

DISAPPEARED SUBJECTS:
MIGRATION, LEGALITY, AND THE NEOLIBERAL STATE

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This dissertation examines the cultural condition of migrant “illegality” and “temporariness” refracted through the experiences of Salvadoran workers on the poultry disassembly line in rural Arkansas. While the legal structures and practices of the United States government produce a condition of “illegality” around transnational migrants’ bodies, this situation is obscured through the ideological work of legal and political discourse. The impact of this is to “disappear” the migrants as rights-bearing subjects while making them hyper-visible as cultural Others, creating a mobile space of exception around the body of the migrant. Companies are then free to regularly violate labor and safety standards, treating migrants’ working bodies as disposable resources.

Migrants’ lives and subjectivities are fraught with contradictions that reflect those emergent from the neoliberal capitalist order and from the state’s construction of “illegality.” Following a moment of illicit mobility across international borders, migrants often find themselves spatially enclosed. Salvadoran transnational migrants construct an elaborate moral discourse on work ethics to narrate their lives and trajectories as valid and valuable. Drawing upon notions of work and honor from Salvadoran cultural contexts as well as Arkansan, they self-identify as tough, flexible workers, ready to work overtime on demand and unwilling to reclaim public benefits such as workers’ compensation. In order to assert their humanity over and against a legal-political discourse that defines them as illegitimate, migrants assert themselves within a moral economy of work. Ironically, this discursive strategy contributes to

neoliberal ideologies that seek to reduce workers to a disposable and flexible labor pool. Rather than an “exception” to neoliberalism therefore, migrants are the disappeared subjects at the foundation, both material and ideological, of neoliberal regimes. This moral discourse therefore represents, simultaneously, the agentive response of migrants to their socio-legal exclusion, and the implosion of global cultural forms of neoliberalism into migrants’ lives and world-views.

BIOGRAPHICAL SKETCH

Miranda Cady Hallett was born in the Ozark region of southern Missouri but has lived most of her life in rural upstate New York. Brief stints living other places include Bard College in the Hudson Valley (1996-1999) as well as San Salvador, El Salvador (2000-2002) and Fayetteville and Danville, Arkansas (2006-2008).

Miranda has experience in diverse working environments including early childhood education, international solidarity, labor organizing, and language tutoring both prior to and during her graduate career. She is a public anthropologist with a particular interest in critiquing the ways that social elites hold on to positions of power and wealth through ingenious mechanisms, both material and ideological. For this reason she likes to use analytical tools to study elite cultures and the way that dominant political and media discourses define certain groups as cultural "others."

Miranda completed a Bachelor of Arts degree in cultural anthropology from Bard College, awarded in 1999. In 2006 she earned a Master's degree from the Graduate School of Cornell University in the field of anthropology. Her past research project include work comparing the US "War on Terror" to El Salvador's "War on Gangs," legal-historical research on native nations' land claims in upstate New York, and campaigns for voting rights among Salvadoran transnational migrants. In addition to preparing academic papers for conference presentations and publication, she has also participated actively in social justice movements, particularly around refugee issues, prisoner's rights, and labor justice. Miranda conducted her doctoral work in the field of Cultural Anthropology at Cornell University, with concentrations in Latino Studies, American Studies, and Development Sociology.

For Delia, someday, to be enjoyed with *horchata*

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CHAPTER 1
INTRODUCTION
MIGRATION AND PLACE IN THE NEW WORLD ORDER

The tradition of the oppressed teaches us that the
‘state of emergency’ in which we live
is not the exception, but the rule.
- Walter Benjamin, *Theses on the Philosophy of History*

Some innocents still believe that all countries still end at their frontiers.
- Eduardo Galeano, *Open Veins of Latin America*

It is a curious fact that within the heightened political debates regarding immigration to the United States in the first decade of the new millennium, both advocates and opponents of a path to legalization for undocumented migrants share a number of guiding assumptions. Both groups frame their policy recommendations in notions of American exceptionalism, the idea that “this is the greatest country in the world.” Both frame the immigration issue as a “problem,” a transgressive situation in which the will of the state, as well as the well-being of human communities of various kinds, is being violated. Both frame immigrants as culturally “different” from native-born US citizens, whether they extol that difference as “rich diversity” or decry it as “cultural contamination.” Both fail to problematize, and indeed often propagate, the conceptual collapse in the use of the term “immigrant” between diverse persons who have actually moved from one country to another, and the racially marked communities of Latinos of various nationalities, geographic trajectories, and legal statuses. As Bourdieu asserts regarding the political manipulations of the immigration issue in France, this is “a false problem,” a “terribly ill-formulated central question in the political battle” (Bourdieu 1998:21). While ill-formulated, it is a central question because of all the reasons that rarely come out in the debates over immigration. The

question of immigration, and in particular the production of “illegal aliens” as a crucial nexus of insecurity, reveals the ways in which the state’s policies and enforcement practices serve economic interests in the New World Order of neoliberal hegemony. The legal and social condition of transnational migrants is of utmost importance, not only to migrants themselves, but to all working people and all who rest easy in their citizenship.

While notions of the ideal neoliberal subject center on the cosmopolitan consumer, an independent agent choosing a life that reflects her identity and passions, there is another subject whose undeniable centrality to the neoliberal project is suppressed. This is the legally marginalized transnational migrant, whose life is spent washing dishes, picking tomatoes, eviscerating chickens, and supporting the base of the new neoliberal economy. On the one hand, transnational migrants are hyper-visible as the “illegal alien,” scapegoat for the nation’s economic woes. They are the racialized and subordinated Other to a mainstream American populace whose unmarked category has been painstakingly constructed, through erasures of history, as an English-speaking white person. But on the other hand, immigration policy enacts a legal effacement or “disappearance” of the socially hyper-visible subject by delegitimizing migrants’ presence where they are and discounting state obligations to the rights of migrants as human beings.

By making it appear that they *should not* be where they are, the immigrant state, through both policy and practice, obscures its own profound dependency on the presence of the body of the migrant. Transnational migrants work difficult and necessary jobs in production, agriculture, and domestic settings. Due in large part to their legal exclusion, they form a relatively expendable workforce, thus contributing directly to contemporary companies’ ability to be competitive in an age of flexible production systems. And as I shall argue, certain communities of transnational

migrants—caught in this dialectic of invisibility and hyper-visibility—contribute to a moral economy of work that reifies neoliberal values of individualism, independence, and minimal rights focused on private property. Ironically, while state and corporate elites proclaim neoliberal theories yet practice protectionism and corporate welfare, it is in the practices of the supposedly “transgressive” undocumented immigrant that neoliberal ideals find their most pure expression and realization. Rather than an “exception” to neoliberalism (Ong 2006), undocumented migrants are the disappeared subjects at the very foundation of neoliberal regimes.

In new sites of Latino settlement such as Arkansas and other Southern and Midwestern towns the perception of most whites conceptually collapses all Latinos into the category “illegal Mexican” regardless of their status. Although only 51% of the foreign-born in Arkansas are undocumented (Capps, et al 2007: 2), the public discourse in Arkansas regarding immigration generally glosses over internal differences of status or origin and classes the issue of immigration as the “problem” of “illegals.” Under these conditions, “illegality” is not a formal legal status, but a social condition based on a racialized perception of Otherness. “Illegality” is a sticky and complex *social elaboration of law* whose ideological conceits are rooted in the history of racialized labor oppression in the United States. For migrants themselves, “illegality” is a house of mirrors. The exits appear to be everywhere and nowhere, the proliferating image of oneself repeated at every turn, appearing to stand in a place beyond the glass wall that blocks one’s steps. The ways that this confounding status contributes to the “global race to the bottom” (Ross 1997) in wages and working conditions are fairly clear. The “illegal” or “temporary” worker is the ideal flexible body. Legal exclusion is only one among many mechanisms by which workers have been given temporary status, less benefits, and greater job insecurity:

In all countries, the proportion of workers with temporary status is growing relative to those with permanent jobs. Increased insecurity and 'flexibility' lead to the loss of the modest advantages (often described as the 'perks' of the 'privileged') which might compensate for low wages, such as long-lasting employment, health insurance and pension rights. (Bourdieu 1998: 37)

How “illegality” contributes to the reproduction of the nation-state and its authority is a less obvious question; in fact, many observers of transnational migration have framed it as a part of the dissolution of the traditional sense of the nation-state, or as the failure of the state as a neoliberal management enterprise (Comaroff and Comaroff 2005: 129).

Transnational migration, as many have pointed out, unseats the ideological conflation of racialized “peoples” with a particular territory and particular state, thus destabilizing dichotomies foundational to nationalist and ethnic imaginaries. Yet mobility is not inherently resistance, and interstitial spaces and figures can as easily become sites for the avid, even violent, re-assertion of boundaries and exclusions, as Fredrik Barth (1969) pointed out so well. As a careful reading of the literature on immigration and the nation demonstrates (see Chapter 1), migrants have often been appropriated by the state for the purposes of nation-building. The benefits of undocumented immigration to economic elites are obvious, but the benefits to nationalism are often more subtle and contradictory as the repressive apparatus of the state constitutes its own authority by constructing appropriate “Others” on which to practice its monopoly of force.

Localities articulate in distinctive ways with the project to appropriate migrants for nation-building, and may subvert certain elements of that project. The small towns of rural Arkansas, at some distance from both the halls of Washington, DC and the border haunts of Immigration and Customs Enforcement agents, have demonstrated an apparent resistance to the spectacular modes of enforcement that characterize recent ICE workplace raids and fugitive campaigns. Arkansas’ Confederate heritage entails a

certain amount of anti-federal sentiment, which may begin to explain the curious response in Arkadelphia in 2006 when federal ICE agents raided a local Petit Jean Poultry plant and detained 119 workers, eventually deporting 113. As the Los Angeles Times reported afterwards, many were taken aback by the community's response:

...what happened after the raid last July came as a surprise to many people in this conservative Bible Belt region: Instead of feeling reassured that immigration laws were being enforced, many felt that their community had been disrupted.

The Petit Jean workers had come to be more than low-wage poultry processors. They were church friends, classmates and teammates in the local softball league. And so some residents responded to the raid by helping workers fight deportation, driving them to court and writing to lawmakers for help. Others donated money, food and clothing to the families of workers detained or sent back to Mexico.... Many residents say they feel sympathetic to undocumented workers and angry at the government. (Hennessy-Fiske 2006)

In the case of Arkadelphia at least, locally born citizens chose to side with new neighbors, even those defined as “illegals,” against their own government. While in some other Southern counties anti-immigrant movements, often mobilized by the county sheriff, have targeted undocumented and broader Latino communities for harassment and persecution, in this case the opposite seems to have occurred. This case complicates the picture painted by the Southern Poverty Law Center's report on new Latino communities in the South. The report, titled “Under Siege,” presents an image of unabated abuse, discrimination, exploitation, racial profiling, hostility and social exclusion (Bauer 2009). While these descriptions are based on real phenomena, the day-to-day experiences of Latinos in the South include a broader spectrum of reaction and interaction. Further, these patterns of experience are shaped by local geographies—local histories, political economies, and landscapes of political leadership. What can these surprising geographic anomalies mean? How can anthropological theory approach these conundrums? How can we theorize the

intersection of ethnographies of migrant experience in specific locales with critical analyses of policy ideology? From what standpoint can the structural and experiential realities of “illegality” be brought into focus? It was with these troubling questions in mind that I first went to Arkansas.

Setting: the new border zone of rural Arkansas

In the early spring of 2005, I drove a rental car north from Louisiana towards Little Rock. I intended to find out whether Yell County, an hour or so west of the state capital in the Arkansas River valley, was a good place to conduct research on Salvadoran transnational migration. My only clues were a few articles about Salvadorans and other Latinos in Yell County from the Arkansas Democrat-Gazette, and some unusual Census numbers showing a remarkable demographic transformation in the 1990s (see Figure 1). Like Clark County, home of Arkadelphia, Yell County is a rural area in the Ouachita Mountains of central Arkansas that has for much of its history been home to smallholder livestock farmers. Like Clark, Yell is a dry county where the sale of alcohol is prohibited, and conservative evangelical churches as well as the leadership of the local poultry industry dominate local political life. Like Arkadelphia, the town of Danville in Yell County was home to a Petit Jean Poultry plant—as well as the corporate offices for the small chain of factories—that employs about 600 people, around one-fourth of the population of the town.

YELL COUNTY	1990	2000	growth 90-00	2005-07 ACS
Total population	17,759	21,139	+19%	21,560
Hispanic/Latino	177	2,691	+1420%	3,900
Salvadoran	11	348	+3064%	
Foreign born	n/a	2,147	n/a	2,728
Language other than English at home	n/a	2,654	n/a	n/a
Dardanelle total	3,752	4,228	+12.7%	n/a
-Hispanic/Latino	44	908	+1,964	n/a
Danville total	1,588	2,392	+51%	n/a
-Hispanic/Latino	34	1,040	+2,959%	n/a
Arkansas total	2,350,725	2,673,400	+14%	2,701,431
-Hispanic/Latino	19,876	86,866	+337%	126,932
-Salvadoran	n/a	3,471	n/a	n/a

Figure 1. Growth of the Latino population in Yell County, with comparative figures from the towns of Dardanelle, Danville, and the state of Arkansas. Data drawn from the United States Census. www.usfactfinder.gov

I drove into Yell County from the east, following Arkansas Route 10 as it wound its way into a little town called Ola. At the main intersection, a rusty sign advertised Mima's Motel, a run-down motel and diner. The place was probably built in the early half of the last century for tourists traveling between Little Rock and Fort Smith, but the development of Interstate 40 to the north of Yell County diverted traffic away from the previous route. By the end of the century, the motel had fallen into disrepair and served as low-cost housing for migrant and indigent workers doing seasonal labor in the Ouachita National Forest as well as privately owned timber plantations.

Turning to the right past the motel, past a number of abandoned storefronts, we arrived at a simple brick church building. The sign out front was in Spanish and English—"Pentecostal Church – *Iglesia Pentecostal*." This church is home to two congregations, an English-speaking group with a long history in the area, and a small

Spanish-speaking congregation pastored by a young Salvadoran man who also worked at the largest poultry company in town. After the service, I introduced myself to the white pastor and asked him about his changing community. He spoke warmly to me after realizing I was born in Missouri—therefore “not really a Yankee”—and he spoke just as warmly about the growing Hispanic congregation that meets in the Fellowship Hall behind the church. “That’s the Word of God being fulfilled back there,” he said expansively. Towards the end of our conversation, he leaned closer to me and said in a quieter voice:

But sometimes I ask myself, what’s going to happen when there’s more of them than there are of us? Will we be generous enough to give them the church, and meet in the Fellowship Hall ourselves? (“Pastor Lane” May 30, 2005)

From Ola I drove west to Danville, Arkansas, which became the primary field site for my ethnographic research. Danville is a quiet and sleepy town with a population of around 2,400 souls located about halfway between Little Rock and Fort Smith in central western Arkansas. Around half of the community is Latino and there is also a significant population of relocated Laotian refugees (see Figure 1 for recent US Census data). Yell County, of which Danville is the county seat, also happens to be an important site in the 1969 Western film *True Grit* starring John Wayne. It’s home to a Sonic Drive-In restaurant, Family Dollar, and the Abundant Life Pentecostal Church. This small-town landscape, evoking both Southern and Western identities, has long been constructed as a space of heritage for white Americans. As such I initially expected to find intense resistance on the part of local whites, and rabid public contestation over the transformations of social and public life following on the influx of immigrants from Latin America and Southeast Asia. As in Arkadelphia, this was not the case.

My arrival by car to Danville provided initial evidence regarding the attraction of Yell County for Latino migrants, and the relative welcome they have received from locals. For the last five miles of the trip, I drove behind a plodding tractor trailer stacked with wire cages, filled with dirty white feathered creatures on their way to the kill plant. Feathers fluttered behind the trailer in the spring air, a few sticking on my windshield before deflecting off to one side or the other. Danville is home to two poultry processing plants, Wayne Farms and Petit Jean Poultry, employing over half the town in total.

While the poultry industry is especially dense in Yell County, the economic landscape of the north-west half of Arkansas is dominated by chicken agribusiness. Home to the corporate headquarters of Tyson Foods, the largest meat producer in the world, a great number of Arkansans are caught up in the vertical production chains by raising, catching, slaughtering, disassembling, or processing the birds into boneless skinless chicken breasts, thighs, wings, drumsticks, chicken nuggets, southern-style breast patties, frozen fajita chicken strips, honey battered chicken strips, premium chicken salad kit, all-new Any'tizers[®] and hundreds of other Tyson products. Since John Tyson began the business in the 1930s, it has grown to be the nation's broiler capital, overtaking and surpassing earlier geographic centers like the Delmarva peninsula and parts of North Carolina (Striffler 2005).

The triple corporate juggernaut of Tyson Foods, Wal-mart, and J.B. Hunt brought an unprecedented economic boom to central and northwest Arkansas from the 1980s onward. When I arrived in Arkansas in mid-2006, the region seemed to be the last holdout of true Horatio Alger-inspired optimism in the nation. After many years of relative hardship, Arkansans seemed convinced that "progress" had come at last, and wouldn't let up for a long time to come. With this "progress" came a demand for labor—hundreds of thousands of workers to gut chickens, lift boxes, and clean toilets

in Tyson plants and Wal-Mart warehouses throughout the region. With an aging population and youth who aspired to other lives out of the area, there was a growing scarcity during the 1980s and 1990s of willing local labor to staff the chicken processing plants. At the same time, demand for chicken was rising among consumers. In-migration of Laotians and then Latinos went hand-in-hand with an economic revival in small towns throughout northern and western Arkansas as poultry plants were able to maximize their production. In Danville, boarded-up businesses on the old Main Street were renovated and new small businesses built, and the population of the town doubled in a short period of time.

Although complaints about “illegals” or “Spanish people” are not unheard of among working-class whites, local elites work hard to maintain placid social relations with regard to the new residents. Regardless of class status, many whites in Danville define their foreign-born neighbors as internal to the group relative to Yankees and other suspicious outsiders from the world beyond Yell County. While the barriers of language remain, many whites comment that they recognize the faces of all their neighbors in this small town, and therefore can tell immediately if someone arrives that is an outsider. Such outsiders, including researchers who foolishly come into town with New York state license plates on their car, are much more frequently stopped by the police than are local Latin American residents.

In this inclusion of Latinos as locals, their critical labor at the center of local systems of production is instrumental. They form the crucial yet unspoken base of local economy and the engine for revitalization, in spite of contestations about the validity of their presence and legitimacy of their labor within broader discourses. The overarching mechanism for this revitalization is the expropriation of surplus labor from workers in the classic industrial model—if anything, the mode of this exploitation is exacerbated under conditions of flexible accumulation. Line speeds are

increased to the limits of human physical capacity (or just beyond those limits) to maximize efficiency in the manner recommended by Taylor's *Principles of Scientific Management* (1911), and each action on the "disassembly line" is reduced to its smallest unit in classic Fordist style. Yet in keeping with Harvey's observations of the post-Fordist model of management (Harvey 1989: 141-172), workers on the whole are treated as disposable and replaceable aspects of the production system.

The simultaneity of legal exclusion, social acceptance and labor exploitation may seem contradictory—and in some situations they do come into tension—but I argue in this dissertation that these processes are mutually constitutive. A useful antecedent to conceptualize this conundrum is the case of Africans and African-Americans who were legally subordinated under the condition of slavery. In both antebellum and reconstruction Arkansas, racialized legal categories policed the boundary of poor whites with poor non-whites, assuring that for all the similarity of their experiences and working lives, a hierarchical relation would remain (Bolton 1998: 136, 140-144; Moneyhon 1997: 14-15). In Linda Frost's 2005 study of nation-building in the Confederacy, she discusses the mediated construction of the slave as an *internal* Other for Southern society, as belonging within the nation. In contrast to the Yankee, both racialized and demonized as an external Other, the subordinated and submissive black slave was portrayed as a valued and legitimate member of society.

This type of internal Othering is at play in Danville, Arkansas. Latino migrants are accepted as part of the social world, but this acceptance is predicated on a process of legal subordination and labor exploitation. Local whites will come to the defense of their migrant neighbors when they are threatened by white supremacist groups or by the federal government, and quotidian encounters in Danville between whites and Latinos are relatively cordial. The placid day-to-day harmony experienced and expressed by many residents of the town, however, is belied by the equally

constant reiterations of inequality. Images of Latinos are virtually absent from public presentations of the town's identity. Although the school population is majority Hispanic (National Center for Education Statistics) the bulletin board by the school library is filled with grinning white faces. The local paper's photographic coverage of the County Fair, the biggest social event of the year, is similarly whitewashed. In the workplace, Latinos are regularly threatened based on their legal status. Those who speak up regarding unsafe conditions or suffer injuries and ask for compensation are frequently dismissed, in all senses of the word.

A closer look at the Petit Jean Poultry plant in Arkadelphia reveals complex possibilities at play in the raid that call into question the initial feel-good story about a local community drawing together to protect their neighbors. Several months before the raid, in August of 2005, the Petit Jean plant unionized with RWDSU, the Retail Wholesale and Department Store Union (UFCW-RWDSU 2005). One can only speculate as to the relationship between the unionization and the raid, but it is common enough for companies to weaken or destroy unions through the use of federal authorities in various guises. It is worth contemplating whether this case, like the case of six Guatemalan women fired from an egg-packing plant in southern Missouri for attempting to organize in the spring of 2007, might be business as usual for a company trying to minimize its labor costs and maintain a subordinated labor force.

Placing theory: the locality as site of critique

Neil Brenner in *New State Spaces* argues that the reconfiguration of state power in the contemporary world has involved not only the increased regulatory significance of supranational institutions that shape the forms of neoliberal policy, but also an "urban and regional resurgence." The accumulation of global capital requires particular and specialized local systems of production, involving specific

infrastructures, specialized skills, institutional networks, and cultural contexts (Brenner 2004). It is precisely in the articulation of production between these various scales—local, national, and transnational—that new political economy is possible, an analysis of what Brenner calls “the emergent scalar architecture of globalizing, neoliberalizing capitalism” (2004:12). In this process, scales themselves are not fixed geographic positions, but emergent constructs dependent on mutual articulation for their identity. These “uneven geographical developments” (Harvey 2005) in the course of late capitalism’s search for accumulation must be examined in their local and historical specificity, but in a way that also acknowledges the locality’s articulation with broader geographies of production.

In light of this, the recent trend of transnational migration to varied and specific sites in the rural US south requires a re-examination of theories of migration and economic and social incorporation of migrants¹ that have primarily been formed with reference to urban areas along the coasts or in the border region. An understanding of these new contexts of reception involves examining the particular histories and qualities of these new locations of settlement, primarily in the South and Midwest, and the ways in which local regimes of value are absorbed and transformed by recently arrived migrants. In particular, the historical political economies of production, as well as racial formations and class hierarchies within new sites of settlement, are contingencies that critically shape migrant experiences, identities and practices. The condition of partial social acceptance is not an exception to the broader process of producing “illegality,” but a locally specific variant on the theme. This local artifact of “illegality” can shed new light on the broader cultural process that

¹ I will generally use the word “migrant” to refer to my Salvadoran interlocutors rather than the word “immigrant” which is more common in media representations and general parlance in the US. I employ this as an analytical disjuncture for two reasons: 1. Because it better expresses the enforced conditionality and tenuousness of most of their legal situations *and* 2. Because my interviewees generally referred to themselves as *migrantes* rather than *inmigrantes*.

consistently articulates state authority with regimes of production. The mode of production of the poultry industry, the historical reverberations of Yell County's past, and the bizarre refractions of immigration law combine to produce this regional variant on the condition of "illegality."

Throughout the book, I will be referring to ideology, a hotly contested theoretical term that has also crossed into lay vocabulary. As commonly used, ideology generally refers to a mistaken point-of-view that is widespread among specific social groups, often promoted by powerful political forces through mechanisms of propaganda. While much of my usage will make sense according to this meaning, I am also drawing on the theoretical lineage of Marxist social theory which defines ideology as "the necessary superstructure of a particular [economic] structure" (Gramsci 1988: 199). In this sense, ideologies' truth or falsehood is not the primary quality of interest; rather, ideology designates the portion of regimes of production that is organized within human consciousness and social understandings, intimately tied to the material social organization of the means of production as well as political structures.

In the next chapter, *Questioning the Rebellious Transnational*, I review the literature on migration and the nation, arguing that the process of transnational migration has largely been appropriated by state interests rather than unseating the nation-state paradigm as some have argued. This chapter proposes the evocative concept of disappearance and *los desaparecidos* to conceptualize the condition of "illegality." The complex historical heritage of Yell County is the subject of Chapter 3, *Yell County as Border Country*. The next chapter, *Arkatecoluca*, describes the multiple reasons Salvadorans arrived in the Arkansas River valley and the deep attachments migrants have come to have with their new landscape of home. Here I discuss some of the unexpected connections felt between local whites and

Salvadorans. Chapter 5, *Wal-Mart Territory*, describes the way in which Arkansas and El Salvador each came to figure centrally in the geography of neoliberal restructuring over the past 30 years or so. I situate the emergence of a migration stream between El Salvador and Arkansas squarely at the center of an analysis of the political economy of late capitalism and the emergence of neoliberal hegemony in the Western hemisphere, suggesting that each of these geographic territories, in their own way, are quintessential neoliberal states. In Chapter 6, *Legality and Disappearance*, I return to a structural analysis of law and policy and connect these legal forms to the lived experience of Salvadoran workers in Yell County. Legal ambiguity and the social elaboration of dehumanizing discourses around pollutant Others constitutes the racialized bodies of transnational migrants as appropriate subjects for the violation of rights and the application of force-of-law. This chapter describes the impact of “illegality,” and the climate of fear it creates, on migrants’ everyday working lives. In Chapter 7, *Temporary Life*, the peculiarities of living with twilight legal statuses is explored through an in-depth examination of the frustrations and fears of living with Temporary Protected Status work permits. The existence of TPS, product of the activism of Salvadorans who were illegitimately excluded from refugee status in the 1980s, is also a reminder of the fraught historical interdependency of El Salvador and the United States. These explorations of national policy, regional political economy, legal status, history and local moral heritage lead to the considerations of migrant subjectivity in Chapter 8. *Impossible Subjectivities* explores the mechanisms migrants use to constitute social legitimacy and self-worth under conditions of legal exclusion. Denied full legal recognition, migrants perform selves that exemplify ideals and values of hard work and independence, moral economies that emerge from Salvadoran and Arkansan cultural contexts but eventually contribute to fertile and mobile neoliberal ideologies. The conclusion, *Disappearing Acts*, returns to the notion of

disappearance and deportability and reflects further on the “neoliberal state” under which migrants must strive to assert their morality as a desperate measure to prevent the violation of their bodies and the misrecognition of their being.

In this dissertation, I am not concerned with an exhaustive description of the complex and emergent social worlds of Salvadoran migrants living in Arkansas, much less an elucidation of the “native point of view” of a transnational migrant. This work is not about Salvadoran migrant culture, but takes alienage and legal status, structural conditions that are legally produced and socially elaborated, as primary objects of inquiry. I seek to shed new light on the role of legal exclusion in late capitalist regimes of production through a transversal exploration of its functioning *across scales in one particular social and geographic locale*. In other words, this dissertation looks at the deployment of “illegality” as it fractures and structures transnational ideologies of neoliberal capitalism, dovetails with nationalist ideologies of belonging and Otherness, reverberates within regional historical narratives, racial hierarchies, and regimes of moral value, interacts with local political economies of production and regimes of labor management, and colonizes the desires and subjectivities of those it defines.

The confluence of these processes in the bodies and daily trajectories of Salvadorans living in Danville, Arkansas cannot be extrapolated to model the universal functioning of “illegality” for undocumented people throughout the United States, or even throughout the rural South of the country. Danville is in many ways exceptional and unique. Yet the particular insights of this case study, piercing these interrelated scales of ideology and economy with a transversal analytic, provide another angle from which to contemplate the cultural logics and alienating processes of neoliberal capitalism.

CHAPTER 2
QUESTIONING THE REBELLIOUS TRANSNATIONAL
MIGRATION AND THE NEOLIBERAL NATION-STATE

*Con el gobierno, nunca vas a ganar.
El gobierno siempre te gana a ti.*²
“Ricardo” September 23, 2007

Does international migration open up spaces, as some suggest, for resistance to the homogenizing aims of the nation-state, or for the re-imagining of relations between places and persons, between nations and territories? Does it portend a “post-national era” (Appadurai 1996) or the “withering away of the nation-state” (Hannerz 1996)? In this chapter, I review the literature on migration and the nation to argue that migration policies, themselves fraught with contradictions, function to reproduce and simultaneously mask the ways that the state benefits from the partial exclusion of migrant workers. I emphasize their identity as workers because the state’s reproduction of this category constitutes migrants as a laboring lower class within a hierarchy of citizenship, utilizing state policy to articulate migrants within the regime of neoliberal production in particular ways.

Through a nationalist lens: scholarship and migration

Scholarly discourses on migration have emerged from a system of knowledge production dominated by receiving nations. In the US, the familiar trope of “America as a nation of immigrants” has been alternately theorized under an assimilative notion—often using the metaphor and imagery of a “melting pot”—or a notion of cultural pluralism—using imagery of the interweaving of strands which maintain

² “With the government, you can never win. The government always wins and you lose.”

distinct qualities even while producing a new “social fabric.” In both cases, the immigrant is a central figure either celebrated for their role in constituting the national project or negatively figured as failing to build the nation. For assimilationists, immigrants who maintain previous cultural practices and beliefs fail, while for pluralists failure can occur as a result of immigrants’ loss of their valuable cultural traditions which should inject new life into the national project (Bourne [1916]: 98-99). “Failed” immigrants, in both cases, can then be discursively deployed as an internal Other, a problematic and racialized figure posing a threat to the nation. As threatening or pollutant bodies, permanent Others even in the second or third generation of citizenship, such racialized communities constitute the normalcy of whiteness vis-à-vis the nation through their subordination and the spectacle of criminality and detention. “Successful” immigrants, meanwhile, are celebrated as renewing and re-affirming the American project.

The ideology of assimilation was both shaped by and reflected in classic sociological works emerging from the Chicago school, works which were intended to be both objective studies of a new social reality and interventionist theories helping new immigrant groups to assimilate into a mainstream which then becomes a happy composite of cultural influences (see Park 1930). Milton Gordon’s classic work *Assimilation in American Life* (1964) distinguishes various levels of immigrant incorporation: acculturation, identificational assimilation, and structural assimilation. A contemporaneous work by Shibutani and Kwan (1965) reveals a more subtle understanding of the complexities of incorporation and illuminate the ways the color line and other markers determine differential access to opportunity structures. For a time the concept of assimilation was heavily critiqued as ethnocentric, but current revivals of assimilation theory attempt to sidestep this issue by insisting that assimilation is not *to* the dominant culture, but a two-way process leading to “the

decline, and at its endpoint the disappearance, of ethnic and racial distinctions” (Alba and Nee 1999: 159).

Theories of cultural pluralism based themselves on the notion that cultural qualities brought by immigrants were enduring, even across several generations. In this way pluralism is seen as the opposite of assimilation theory. It’s important to note, however, that this endurance of cultural difference can be read positively, as a source of social strength and renewal (Kallen [1915]) or negatively, as both product and source of divisive competition and segregation in economic and political spheres (Glazer and Moynihan 1963). Neither cultural pluralism nor assimilation can claim hegemonic status as conceptualizations, but they frame the issue of migration in the US context and shape the limits of public imagination on the topic. These theories, and indeed the vast majority of research on US immigration, are also deeply implicated with state interests:

The concern of such researchers with policy-relevance... entails presuppositions through which research is effectively formulated and conducted from the standpoint of the state, with all of its ideological conceits more or less conspicuously smuggled in tow. (De Genova 2002: 420)

This interpenetration of state interests and scholarly pursuits depends upon and extends the “methodological nationalism” noted by Andreas Wimmer and Nina Glick Schiller (2002). The historical blindness of sociological studies that take the nation-state as a natural unit of analysis has contributed to the misperception of transnationalism as a “new” phenomenon, and it has also helped bind scholarly work to nationalist elite interests.

It is therefore unsurprising that the two models of assimilation and cultural pluralism, in spite of their contrapuntal relationship, share a number of guiding assumptions. Among these conceits are unidirectional models of migration, ideologies of individual “free” choice in movement, an absolute split between political and

economic motivations, and assumptions of cultural boundedness. Assimilation theories presume the relative unity of “American culture” and the “cultures” of those who come to the United States.³ These ideas draw on popular conceptions of national unity reflected in early theorizations of the nation as a community bound and unified by common culture, history, “blood,” and visions of a common future (Renan 1996 [1882], Hayes 1926). They also reinforce ideas of the United States as exceptional, with an image of masses of the world’s poor clamoring at “Heaven’s door” (see Borjas 1999).

The discourse of multiculturalism and its antecedent cultural pluralism also reifies notions of bounded ethnic difference and of American exceptionalism. The paradigm of cultural pluralism hinges on the existence of persistent cultural identities and practices traced to primordial sentiments often figured as “tribal” (Isaacs 1975, Geertz [1963]). Through the very attempt to create spaces of institutional appreciation for “cultural diversity,” most ideologies and practices of multiculturalism create, fix and naturalize forms of marked difference as fundamentally Other. These non-Anglo diversities are only valorized to the extent they become incorporated in, and subordinated to, the destiny of the great American project (Kallen [1915], Bourne [1916]). What Brackette Williams (1984) describes as the “race-class-nation conflation” has been reproduced wholesale in most versions of both assimilationism and pluralism.

Scholarly work outside the mainstream of these two paradigms often attempts to pry apart the conflation of political territory and cultural belonging produced in the hyphenated space of the nation-state. Notions of “diaspora” attempt to problematize both the Euro-centric and primordialist frameworks underlying both sides of the

³ Theories of citizenship, as well as theories of migration, have relied on this misleading assumption of the boundedness of “national society,” and the primacy of the nation-state in identity formation (Benhabib 2002).

assimilation-pluralism debate (Gilroy 1993, Clifford 1994). However, Floya Anthias claims that the terms “hybridity” and “diaspora” are deployed as part of a radical project to make visible “transgressive cultural formations” (2001: 620) that *in themselves* are held to be emancipatory because they dispel fixed notions of cultural boundedness. They are a result, she argues, of contemporary leftist scholars’ search for a new subaltern subject to replace the proletariat worker. But she also notes that invocations of hybridity or diaspora do not fully overcome primordialist notions of ethnicity and even “retain a cultural discourse of racial purity” (Anthias 2001: 625). Literary renderings of the experience of racial-ethnic experience as a kind of essential and transcendent truth hold a central place in literatures of diaspora, hybridity, and border studies. Even while these approaches emphasize “routes,” they also often essentialize “roots,” and in the process “gloss over existing cultural hierarchies and hegemonic practices” with a veneer of liberatory exaltation (Anthias 2001: 619). Other critics have questioned the assumption that flexibility, mobility, and hybridity are liberatory processes, and instead link these qualities to “the postmodern logic of late capitalism” (Jameson 1984, Harvey 1989, Ong 1999).

Cosmopolitan theory also responds to the problem of affirming or preserving cultural diversity in a world of both transnational corporate networks and gated nation-states. However, cosmopolitanism is in many ways the descendent of civic nationalism, and suffers from both the same “cultural thinness” (Hannerz 2002:230) and links to both European enlightenment philosophy and American universalism. In Randolph Bourne’s 1916 essay “Trans-national America,” he celebrates the cosmopolitan ethos that should emerge from “the incalculable potentialities of so novel a union of men” in the United States (100). Appadurai, in the more optimistic moments of his theorizing of a postnational era, also evokes this sense of “America” as the true home of the cosmopolitan outlook, the most successful creative melding of

diverse cultural encounters to be found (1996: 172-177). The supposedly egalitarian cosmopolis here reveals its link, again, to American exceptionalism. Hall (2002: 27) expresses concern with the ways many cosmopolitan theorizings occur in “an assimilationist, liberal, universalist frame.”

Some have suggested that the “specter of migration” haunts late capitalism, and that mobility invests the “masses on the move” with the immanent potential for revolutionary practice (Hardt and Negri 2000: 213). Hardt and Negri’s famous argument asserts that hybridity and miscegenation are the new modes of existence that characterize the multitude, investing them with inherent capacity to disrupt the new world order of capitalist empire. These kind of revolutionary hopes and desires have fascinated some scholars of transnationalism and shaped populist and celebratory interpretations of transnational practices. Similar to the research on diaspora, scholarly work on transnational sites and practices has often sought evidence of resistance and subaltern agency, often framed as “globalization from below” (Smith and Guarnizo 1998). Yet this celebratory discourse often overlooks the agonistic processes and disciplines that structure many transnational migrants’ experiences.

Familiar notions of assimilation, cultural pluralism, diaspora, cosmopolitanism, and even transnationalism often approach cultural change through migration in isolation, without considering a political economy of human mobility, labor incorporation, and the role of the state. These are not external conditions that occasionally impact migrants’ changing cultural identities, but sets of ideologies and practices that imbue migrants’ everyday lives, including their cultural ideologies, practices, identities, and self-presentations. Let us turn now to a historical look at the ways in which migrants’ mobile bodies have been infused with meaning in nationalist narratives. By looking at the ways that “impossible subjects” (Ngai 2004) have consistently been subjected to state ideologies, we can begin to understand the

persistence with which the state appropriates potential transgression and converts it to subordination.

Shifting foundations: building the nation on the body of the migrant

If nation-building is a process of discursively and materially domesticating heterogeneity and complexity into a simple universal identity (see Anderson 1987), the figure of the migrant—both as emigrant and immigrant—becomes a site of particular problems and particular opportunities for nation-building projects. Susan Oboler, in her discussion of the production of Latino/Hispanic identity in the US context, notes the particular tensions of nation-building for “America” as an imagined community whose elites cannot claim “native” status (1995: 27-29). The absence of primordial claims for the dominant group creates an issue of differentiation in an era when the opposition of autochthony to alienness has become central to the production of national identity (see Comaroff and Comaroff 2005). In the US, the production of *native* heritage as emergent from processes of immigration—we are a “nation of immigrants”—coexists in tension with the demonization of certain racialized groups, whether immigrant or native-born, as permanent others due to their supposed origin or affiliation outside the bounds of the national territory.⁴

Migrants become central to nation-building both for sending and receiving nations, and the figure of the migrant can contribute to nationalist projects both positively and negatively. Positively, the figure of the “good” immigrant, from either an assimilationist or pluralist perspective, constitutes the receiving nation by renewing nationalist projects and reviving public culture. Coutin, in her study of discourse and

⁴ The racialization of this Othering process is pervasive and goes unnoticed by many otherwise admirable scholars. Works on immigration, transnationalism and ethnic identity formation, from Milton Gordon’s *Assimilation in American Life* (1964) to Roger Waldinger’s “Transnationalism in Question” (2004) note the Othering of “hyphenated Americans,” but frame it as a matter of immigration, without dealing with the fact that such hyphenation is more contingent on racialized status than on generations spent in the United States.

disjuncture in naturalization ceremonies, describes judge's speeches that celebrate immigrants for having "chosen" the US above their country of birth and analyzes the way in which this contributes to nationalist ideologies of US exceptionalism:

As a "nation of immigrants," the United States is presumed to be the top choice of deserving individuals who could have chosen to stay in their country of origin or to go elsewhere. According to this logic, immigration occurs not because of global interconnections that compel movement but, rather, because of the distinctiveness of the US way of life draws those who can appreciate the opportunities offered by this nation. (Coutin 2003: 518)

As Coutin notes, this contrasts sharply with the historical reasons Salvadorans who are naturalizing actually came to the US, as well as their reasons for naturalizing: usually displaced by violence or severe economic need, they often want citizenship precisely to facilitate free movement back and forth to El Salvador (Coutin 2003: 511, see also Miyares et al 2003). The language within naturalization ceremonies that celebrates cultural diversity also simultaneously disarms and subsumes that diversity into a nationalist narrative of American superiority.

Negatively, the "bad" immigrant constitutes national identities in the receiving nation both materially and symbolically. Symbolically, the "bad" immigrant becomes an internal Other, a scapegoat for social problems, and a counterpoint for the national self. As Leo Chávez points out with regard to the US context:

Representations of immigrants... vacillate between the "we" in American identity and the "Other," whose very presence is used to construct the "us." As the morally questionable Other, the immigrant is perceived as the "alien," "foreigner," "stranger," and "outsider" who is, as Foucault has put it, "at once interior and foreign, therefore to be excluded (so as to exorcise their interior danger)." (Chávez 2001: 44)

The position of particular immigrant groups in a racial and ethnic hierarchy of preference impacts whether they are deployed positively or negatively in nation-building discourse. Chávez notes in his study of popular magazine covers depicting

immigration over the past 35 years notes that while there is a split between celebratory and alarmist images of immigration, images of immigration across the southern border have *not once* been depicted in celebratory terms (2001: 215). This is related to racialization and also to the increasing anxiety around borders and border control in a globalizing moment: as the US seeks to *increase* the fungibility of borders with regard to capital and certain commodities, it is increasingly militarizing the border area to regulate human movement (Kearney 1991, Hollifield 2000). Materially, militarized borders and deportation practices constitute the purity of the national body politic while asserting territorial sovereignty and state efficacy in powerful ways (Cunningham 2004, De Genova 2002). In the United States after 9/11, detention of foreign nationals links overseas and homeland regimes of discipline, performs a spectacle of “cleansing” of the body politic, and represses dissent by processes of surveillance that dissolve the boundary between state and private spaces (Maira 2008). These processes begin by targeting non-citizens but citizens are impacted as well through the expansion of state surveillance.

Immigrants’ conditions of marginalization and legalization needs also make them prime targets for military recruitment. Migrant bodies are crucial players in warfare. Those who are symbolically excluded from the consanguineal definition of national belonging ironically often spill their blood for the nation in disproportionate numbers, as Brackette Williams points out regarding racialized minorities: “while the blood of some citizens courses through the mainstream of civil society, accreting the state foundation, other bloods spill in the soil” (Williams 1984: 436). Raymond Rocco begins his account of the problematic of Latino citizenship with the story of two immigrant Marines whose death in combat in Iraq earned them posthumous awards of the very citizenship they had been denied in life—“to reconcile the tension inherent in the fact that non-citizens were performing duties normally associated with

the highest levels of citizenship” (2004: 5). Gina Pérez’s discussion of Latino youth and JROTC demonstrates the powerful appeal of military institutions holding out the promise of national and local recognition through such disciplined belonging (Pérez 2008). These material immigrant sacrifices become part of the “deaths that structure the nation’s biography” (Anderson 1987: 205). As Anderson suggests, these deaths are memorialized, but the social conditions of their occurrence must be simultaneously forgotten.

Several of the Salvadoran informants interviewed for this study mentioned the fact that El Salvador was the only Latin American country to send troops to Iraq in support of the US intervention. Two men brought this up in the midst of claims that they were willing to sacrifice militarily for the United States themselves. One said “I would give my life for this country if necessary,” while another said:

If it fell to me to fight for the United States, I would do it. When El Salvador sent troops to Iraq to support the United States, it pleased me to hear it, it gave me pride. If I falls to me, I will fight for the country, I will speak for it, I will work for it. (“Jonathan” February 18, 2007)

It is not always possible to sort out the material from the symbolic in the ways the nation is built on the back of migrants. The figure of the “illegal” or temporary migrant, a social person who is simultaneously “there” and “not-there,” is a fundamentally ideological problem. State actors and employers can treat migrants and speak about them as “there” or “not there.” This ambiguity is discursive, but the ever-present possibility of removal of the migrant’s actual body through immigration enforcement articulates this discursive ambiguity with the material. It is relatively easy for the manager of a poultry plant in Arkansas, for example, to maintain the flexibility of his majority non-resident labor force. Workers who are seriously injured or who attempt to organize against the management are fired with relative impunity; usually such dismissed workers will simply “disappear” rather than make claims on

the company or on public services. One poultry company in Danville, faced with the imminent structural overhaul of their mechanized facilities, simply laid off most of their workforce, and then re-hired upon completion of the updates.

As Mae Ngai points out, immigration to the US in the last half-century has been deeply shaped by US policies towards and interventions in other countries (2005: 10-11). The Salvadoran community in Yell County, for example, would not exist without the US-funded civil war in El Salvador, the post-war neoliberal reforms promoted by US-Salvadoran elite alliances, and the current moment of market integration through the Central American Free Trade Agreement (CAFTA-DR). For Ngai, US citizens' ignorance of this dynamic contributes to their sense of American exceptionalism as well as their resentment of immigrant groups, to whom they feel they owe nothing (2005: 11). This suppression of historical consciousness contributes to the vague but persistent suspicion, highly shaped by racial formations, of "anti-American" sentiment among immigrants. As Gonzalez (2000) points out regarding Latinos (both immigrant and US-born), many immigrants share with blacks and American Indians a history of colonization, violent repression, and economic exploitation at the hands of the great American project, making them suspect as "fellow stakeholders" in that project. I would add that this also produces a disjuncture of consciousness: while arriving migrants are often highly aware of the historical antecedents to their mobility and the ways in which the US has been part of their displacement all along, receiving communities in the US perceive the newcomers as just that—a new relationship without a history. Therefore migrant resistance can be easily glossed as "ungrateful," and as the "bad immigrant" they can again be brought into service for nation-building, through the necropolitics of the border and the spectacle of force-of-law brought to bear on migrant bodies.

Salvadoran migrants' bodies, constituted as "out of place," legally ambiguous and vulnerable to state violence, are bound up in nation-state processes both as the objects of these macro-level contestations and as active agents who are *sometimes* positioned strategically to impact those contestations. Their impact emerges not primarily from strategic political activism in dual national spheres, but also from everyday practices and public assertions of identity which have the capacity to re-shape the ways in which the nexus between migrant and nation is imagined, thus redefining notions of citizenship (Levitt 2001, Ong 1999). These transformations of citizenship are not necessarily in the direction of cosmopolitanism (Baubock 2003), and may in fact move towards a "privatized" version of minimal citizenship that draws on neoliberal logics (Ong 2006: 2).⁵

Nation, migration, and neoliberal ideologies

In struggling to explain the persistence of elite power, social theorist Antonio Gramsci came up with the concept of ideological hegemony—a virtual monopoly on what is thinkable in particular times and places. Hegemony is never absolute, he recognizes, but a major task of the ruling class is to appropriate the potential threat of counter-hegemonic forms and re-orient their signification in support of the power of the dominant classes. State elites have proven particularly skillful in this engineering of meaning and appropriation of the semiotic and material values of migrant experience, identity, and agency. Alternately mobilizing repressive apparatuses and

⁵ Aihwa Ong suggests that under the Bush administration, citizenship was re-engineered under the purview of market based logics: "Bush calls his new vision 'the ownership society,' an explicit claim that American citizenship under his watch will shift towards a primitive, narrow vision of citizenship that includes only property owners, privileging 'an independent and egoistical individual' in isolated pursuit of self-interest." I would argue, however, that in addition to this "independent individual" the reengineering of citizenship underneoliberalism has entailed a moralistic revival of particular and strong familial obligations and religious affiliations, especially for women, in order to fill in the gaps left by the dismantling of social programs.

ideological apparatuses (Althusser 1997), states have maintained their dominance over subjects even in the face of the complex interpenetrations of “sovereign” spaces and bodies entailed by neoliberal restructuring. They have done so largely by colluding with the broader ideological project of neoliberalism—by becoming *neoliberal* states whose prestige and authority complements and contributes to the reproduction of late capitalist production regimes. In fact, as key authoritative players in promoting particular ideologies, state actors must promote neoliberal thought in order for neoliberalism to exist—for it is not, as the theory would have it, the absence of state regulation, but a particular form of it. As Gramsci wrote in *The Prison Notebooks* under the heading “Some Theoretical and Practical Aspects of ‘Economism’”:

... *laissez-faire* too is a form of state ‘regulation,’ introduced and maintained by legislative and coercive means. It is a deliberate policy, conscious of its own ends, and not the spontaneous, automatic expression of economic facts. Consequently, *laissez-faire* liberalism is a political programme, designed to change—in so far as it is victorious—a state’s ruling personnel, and to change the economic programme of the state itself—in other words the distribution of the national income. (Gramsci 1988: 210)

This dissertation is specifically concerned with the relationship between migration and the *neoliberal* state. Neoliberalism is produced in many different registers: as theory, it is an inheritor of the liberal tradition in classical economics, as concrete economic policy, neoliberalism departs significantly from its theoretical grounding—and even more so in the case of corporate practice. And finally, neoliberalism is a diffuse cultural logic that both builds upon and revises lineages of individualism, work ethic, and libertarian sentiment. But let us begin with the theory. According to David Harvey,⁶

⁶ While I draw heavily on Harvey’s political economy of neoliberalism, this work also attempts to avoid the pitfalls of what others have called “the Harvey effect” (di Leonardo 2008: 16), that is, the failure in political economic analyses to attend sufficiently to the crucial importance of stratification processes—the reproduction of gendered and racialized categories as mechanisms to ensure the reproduction of capitalist growth systems. This research places Harvey’s insights into the structures and ideologies of neoliberal states into conversation with literatures on racialization, nationalism,

Neoliberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. (2005: 2)

The role of the state within a neoliberal regime of production is supposed to be limited to support and stabilization. Markets are thought to manage themselves and produce the best outcomes for all, so the neoliberal state, unlike the Keynesian state, concerns itself very little with the well-being of the population or the provision of social insurance programs such as health care or pensions. The primary projects of the neoliberal state are to privatize public assets, use regulatory capacity to commoditize all goods (even air, water and so on), and use its monopoly on legitimate force to violently protect private property rights and back up contractual relationships (Harvey 2005: 64-67). Neoliberal states are contradictory by nature, and the practice of neoliberalism often diverges widely from the abstract theory. The mechanisms to assure a “good business climate” often involve state intervention and subsidies on behalf of corporate interests rather than the “free” functioning of the market, and the valorization of competition is belied by the increasing concentration of production in centralized multinational corporations (Harvey 2005: 75-80). The political arguments for neoliberal market reforms are couched in the attractive language of freedom and often linked to discourses of political liberty, yet the promoters of neoliberalism mistrust democracy and depend upon technocratic, expert-led and non-democratic financial institutions to make decisions and impose regulations, often quite forcefully (Harvey 2005: 66). Some of the contradictions of the neoliberal state are related to complex state institutions that have emerged from other historical moments or public movements that were not inspired by neoliberalism. As Pierre Bourdieu says:

and Othering processes.

The state is an ambiguous reality. It is not adequate to say that it is an instrument in the hands of the ruling class. The state is certainly not completely neutral, completely independent of the dominant forces in society... it is a battleground (for example, between the finance ministries and the spending ministries, dealing with social problems). To resist the *involution of the state*, in other words the regression to a penal state concerned with repression and progressively abandoning its social functions of education, health, welfare, and so on, the social movement can find support [within the state] from those responsible for social policies. (Bourdieu 1998)

In spite of these battling forces at play in the state, however, the last three decades have seen a virtual convergence of supposed political opponents in the US and elsewhere on the issue of neoliberal free trade policy reforms, the dismantling of social programs in the name of “small government,” and increasingly the hyper-development of punitive state apparatuses directed both outward in military conquest and inward to domestic communities—the “regression to a penal state” that Bourdieu warned against. As Ong observes, under neoliberalism projects of governance are depoliticized and recast as technocratic and non-ideological, while the disciplining of society is increasingly displaced and “privatized” into the moral economies of social worlds that are not explicitly managed by the state (2006: 14). Although the desirability of neoliberal economic forms is being re-thought in the current moment due to the recent economic crisis, during the 1990s and 2000s neoliberal regimes, as well as the *habitus* and value-systems associated with them, rose to near-hegemonic status; that is, they acquired the tenor of “common sense.”

Aihwa Ong (2006) conceptualizes the variegated terrain accompanying the rise of neoliberalism as various fields of normative order that contains generative moments she calls “exceptions.” While Harvey traces comprehensible and repetitive patterns of modification, regulation, and compromise by political actors faced with neoliberal contradictions, Ong frames the deployment of neoliberalism as a partial project that leaves pockets of non-neoliberal practice— “exceptions to neoliberalism.” She also

claims that peripheral spaces that are outside the purview of neoliberalism's normative order contain spaces and moments that are neoliberal—the “neoliberal exception” (Ong 2006: 23-26). She resists a systematic analysis of neoliberalism and state practice in favor of gestures towards “space-time ecosystems” that require variegated deployments of biopolitical technologies in the “shifting nexus of logics and power” (Ong 2006: 9).

In employing the term “exception” Ong both draws upon and critiques Giorgio Agamben's theorization of the legal state of exception, also commonly called a “state of emergency.” According to Agamben, the use of the exception by sovereign states has a long history but has become a dominant mode of governance within the past century. Various political theorists, including Carl Schmitt, have attempted to justify the deployment of authoritarian emergency powers by re-inscribing the “state of exception” in the juridical or constitutional order and proclaiming its necessity (Agamben 2005: 8-10, 26-31). While Ong draws together the concept of legal exception with that of neoliberalism, I extend that project here by specifically analyzing the way in which the emergence of these two logics—the logic of the legal exception and the logic of neoliberalism—have been mutually constituted during their rise to pre-eminence.

In the context of the recent anti-immigrant turn in political life, which became widely apparent after 9/11 but has deeper roots extending back to the 1980s, state authorities have at times acted towards migrants as though they were walking “exceptions.” The treatment of persons outside the norms usually guaranteed by the juridical order is often enabled by the elaboration of dehumanizing discourses of “war” (Agamben 2005: 21). This has certainly been the case with the “War on Terror” and, I would argue, it has formed a critical part of the militarization of communities of color through the “War on Drugs” and even the “War on Poverty.”

This has happened in the immigration state as the signifiers of “illegality” have circulated and acquired meanings of invasion and alien threat that implode back onto institutions and policy. The border has been militarized, and the United States Customs and Immigration Service (US-CIS) and Immigration and Customs Enforcement (ICE) re-categorized under the Department of Homeland Security. Increased workplace raids take on the tenor of military strikes and, in 2007, federal regulations are established that prohibit county jails from releasing the names of those they detain for immigration violations, as if detainees were intelligence threats. The rights possessed by migrants become impracticable as many of the authorities they encounter conceptualize them, under the logic of the state of exception, as persons without rights.

While I am arguing that the condition of “illegality” constitutes a mobile space of legal exception in the Agambean sense, this *does not mean that migrants are exceptional to or transgressive of the order produced by the neoliberal state*. Quite the contrary is true. Ong falls prey to a conceptual slippage between legal orders, state interests, and neoliberal norms when she classifies transnational migrants excluded from “the benefits of capitalist development” as one of her “exceptions to neoliberalism” (Ong 2005: 4). I argue that their *exceptionality to the legal order* is what produces migrants’ particular *structural and ideological centrality* to the reproduction of both neoliberal hegemony and nation-state authority.

Rather than portending the death of the nation-state, theorizing the intersection of migrants with state projects reveals the profound ways in which the nation-state system maintains its hegemony by emerging as a *neoliberal state*. The neoliberal state simultaneously permits and criminalizes migrant presence, inscribes the body of the migrant with the signifiers of state, and constitutes the state in large part with migrants: through symbolic appropriation, exploitation of labor, displacement and

deportation, death in warfare, and by shaping emergent subjectivities of migrant workers into ideologies of hard labor, docility, and the avoidance of dependency on public services. While much of the recent literature interprets transnationality as a form of (potential) grassroots cosmopolitanism, liberatory hybridity, or global citizenship, we must also contend with the specter of the migrant as the *disappeared subject*, the effaced legal person whose condition reveals the inhumanity of state authority and the avaricious destruction wreaked by capitalist regimes. For this understanding, we reach back through Agamben to the theoretical lineage of Hannah Arendt.

Arendt suggested that the post-World War II order of hyphenated nation-states was characterized by the production of a new and problematic figure: the stateless person, the refugee, one lacking in the basic rights afforded by citizenship (1951: 267-275). The linking of nation to state transformed the state, even so-called “civil democracies,” until “the nation had conquered the state, [and] national interest had priority over law” (1951: 275). Scholars of the current transnational moment would likely counter that the current international human rights regime has collapsed the distinction between citizens and non-citizens and reduced the power of states vis-à-vis individual refugees and migrants (cf. Waldinger 2004: 1187, Soysal 1994). The achievements of such nominal regimes of human rights are ambiguous and partial, and the conditions of millions of refugees worldwide, and even more undocumented migrants, reveals a “hierarchy of citizenship” (Castles 2005) that entails profoundly unequal abilities to reclaim so-called universal human rights. The hegemony of the nation-state form, and “citizenship” as its correlate subject-formation, has been consolidated in the 50 years after Arendt’s writing (Castles and Davidson 2000). In contrast to Baubock’s claim that liberal citizenship is transcending nation-states

(1994),⁷ this suggests that nation-states are *increasingly* salient entities and lack of clear affiliation with the nation and state in whose territory one resides is *increasingly* problematic. The emphasis on formal juridical regimes also ignores the way in which the effacement of legal personhood is a social process that does not necessarily hinge on official suspension of the juridical order. Such effacement can be enacted through the abuse (or neglect) of authorities acting under color of law as they subject bodies to force in the absence of order.

In a short essay titled “We Refugees” written in 1943, Arendt conceptually reversed the familiar vision of refugees as marginalized victims and recast them as “the vanguard of their peoples,” (cited in Agamben 2003: 3). She claimed that the particular plight of the stateless would provide insight into the future of the human subject. In *The Origins of Totalitarianism* she revisits that notion:

They [the stateless] lack that tremendous equalizing of differences which comes from being citizens of some commonwealth and yet, since they are no longer allowed to partake in the human artifice, they begin to belong to the human race.... The paradox involved in the loss of human rights is that such loss coincides with the instant when a person becomes a human being in general... (Arendt 1951: 302)

By turning our gaze towards those whose desires and orientations transcend national borders and territories, and framing these transnationalisms within a political economic context which frequently immobilizes migrants in particular places, we find a critical angle revealing the particular conceits and oppressions of neoliberal hegemony. Analyzing migrants as “permanent exceptions” reveals the way in which the state of exception has become the rule. Rather than a lacuna or absence, as in

⁷ Baubock places great hope in liberalism, stating that its “contribution lies not in specifying rights but in consistently arguing against the exclusion of relevant populations from whatever rights appear to be justified” (37). As a political theorist dealing with normative ideas, his optimism doesn’t take into account the ways in which liberalism is modified and syncretized in practice to fit with nationalist projects.

Ong's usage of the exception, this is the Agambean exception whose nature is complex and contradictory:

In analogy with the principle according to which the law may have lacunae, but the juridical order admits none, the state of necessity is thus interpreted as a lacuna in public law, which the executive power is obligated to remedy.... But in what does the lacuna in question actually consist? Is there truly something like a lacuna in the strict sense? Here, the lacuna does not concern a deficiency in the text of the legislation that must be completed by the judge; it concerns, rather, a *suspension* of the order that is in force in order to guarantee its existence. Far from being a response to a normative lacuna, the state of exception appears as the opening of a fictitious lacuna in the order for the purpose of safeguarding the existence of the norm and its applicability to the normal situation. (Agamben 2005: 31)

This exception is an absent presence, a present absence, and a dialectical moment in which the usual protections given human life are supplanted, denied and disappeared—in service to the reproduction of “the normal,” but through a process that suspends normality. In the case of the production of “illegality,” it is the moment in which the “illegal” person is effaced by the state and removed from the juridical order *in order to preserve the illusion of completeness of that same juridical order*. Of course, the removal and effacement is both illusory and real, both farcical and devastating. The person thus *disappeared* may live indefinitely “as if” they were an ordinary legal-social person, with the threat of removal ever present. The disappeared subject becomes both doubly subjected to state authority, the living being totally abandoned to law via law's suspension (Agamben 2005: 1), and a “human being in general” (Arendt 1951: 302) whose condition can reveal the contradictions of their political economic context.

In using the term “disappeared” as a transitive verb here, I wish to evoke the haunting history of *los desaparecidos*, a term commonly used to refer to persons kidnapped and assassinated by authoritarian state forces in Latin America during the

1970s and 1980s. This form of the verb *desaparecer* is common in Spanish, but less so in English where it is usually translated as “forced disappearance.” In these usages of the verb, it’s rare to name the actor who is disappearing people, but historically the agents of disappearance have been state authorities acting in or out of uniform, but certainly under color of law. Thus *los desaparecidos*, “the disappeared,” is widely understood to refer to victims of state terror (kidnapping, extra-judicial detention, torture, or assassination) whose victimization occurs both by the state and outside the law. While recognizing the distinction between such extremes of violence and the legal condition of exclusion faced by perhaps 12 million migrants in the United States, I use the term to emphasize a number of points.

Firstly, the term evokes the violent and intertwined history of US military involvement in authoritarian regimes in El Salvador which provoked the first major wave of migration northward (Hamilton 1991). Secondly, the term *desaparecido* emphasizes the real and deadly risks migrants are exposed to due to their vexed legal condition. Third, the accusation of disappearance focuses attention on both the state’s ultimate responsibility for legal exclusion and the way that the state displaces its own authorship of this repressive condition. Just as Salvadoran officials dehumanized and blamed the victims of state terror by demonizing them as dangerous communists, so the immigration state criminalizes migrants and justifies their subordination, detention, and death. Finally, this concept highlights the way in which state violence functions in two ways: by removing and silencing the immediate victim, and by creating a climate of fear in which others similar to the disappeared person become afraid to speak out or oppose the authority of the state.

In Chapter 6, I will return to the concept of “illegality” and explore the concrete ways in which it performs disappearance on migrants and their existence as rights-bearing subjects. In the meantime, however, the particular contours of Danville

and Yell County, as well as the history of settlement of Latino migrants there, must be examined. “Illegality” is not a universal legal form that is applied uniformly across sites and temporalities, but a shifting and variegated socio-legal condition that manifests itself in relation to specific contexts.

CHAPTER 3
YELL COUNTY, BORDER COUNTRY
CONDADO YELL, UN LUGAR FRONTERIZO

*Quién pudiera saber
que todo eso pasó en Arkansas?
Cuando Usted dice Arkansas,
nadie sabe ni dónde está.⁸*
- “Gerardo” February 19, 2007

The country is not new to settlement.
Its farm lands have given nurture and fair lives
to five or six generations...
but it has kept its frontier temperament.
- Charles Morrow Wilson *Backwoods America* 1935: p. 5

Scholars of transnationalism have often emphasized the ways in which transnational migrants transcend or transgress the fixed and homogenizing pressures of national ideologies and provincial social worlds. In relation to disciplinary literatures, transnational orientations and investments among migrants does indeed problematize assumptions at the base of much demographic and sociological analysis. Yet the assertion that transnationalism both emerges from and contributes to a liberated condition is deeply problematic, and the tendency of the literature on transnationalism to elegize the fluidity of space obscures the continuing salience of place.

While the discourse of transnationalism emphasizes the ways in which migrants’ social ties and cultural imaginaries transcend boundaries, nonetheless the particular sites of settlement in the United States continue to profoundly shape the experiences of particular migrant communities (Glick Schiller 1997). Rather than an

⁸ “Who would have thought that all that happened in Arkansas? When you say ‘Arkansas’ nobody even knows where it is.”

incidental backdrop, place exerts an influence through specific cultural contexts shaped by deep histories, local relations of class and power, regimes of production, emergent racial and ethnic identities, and other conditions of possibility. In particular, rural and small-town social life is a dense and personalistic performative world where the relation of person to place is a crucial nexus of identity and power. This is true of Arkansas, it is true of El Salvador, and it is certainly true of the hybrid social world inhabited by Salvadorans living in Yell County. In this transnational context, individual migrants are negotiating and performing in relation to complex and often stringent place-based and historically rooted standards of normalized behavior and value.

In rural Arkansas, place is crucial to local identity, legitimations of social belonging, and negotiations of power relations. People born in the county frequently pepper their speech with narratives and verbal signals indicating their deep connection—phrases such as “born and raised,” comments about the town “when I was growing up,” and references to how long the speaker has known others in the town are performances which lay claim to legitimacy and ownership over the community. In this chapter, I will examine the historical construction of Yell County as place, and in so doing pay particular attention to some of the key social categories that frame county resident’s relationship to their social context.

Broadly conceived, the landscape of the rural South and West is inscribed with notions of national heritage and pride. For many Anglo-Americans in particular, these rural places represent a sense of tradition and homeland as well as a relatively undeveloped landscape, a place where time is supposed to stand still. Imaginings of the rural Southern and Western landscape, inscribed and reified in media representation, have become repositories of a certain set of value orientations and myths treasured by white Americans, including rugged individualism, personalism and

neighborly hospitality, independence and work ethic, and a populist sense of justice. As new immigrant groups arrive to these non-traditional destinations, they begin to rework their social and material landscape through a complex process of appropriation and accommodation. As they change frontier spaces into community places, migrants' lives in new geographic locations transform their relationships to political and economic institutions as well as their identifications with various scales of social entity: local, national and transnational.

Between South and West: the Arkansas River Valley as border country

While Yell County was a fairly sleepy place for much of the 20th century, the region has a complex deeper history at the nexus of various nation-building projects. Dardanelle Rock and a large grove of trees at the northern edge of Yell County, known as Council Oaks, was a gathering place for diplomatic councils between political leaders of the native nations of the Osage, holding territory to the west, and the Quapaw, whose political center lay in the western Mississippi valley where west Memphis is today (Banks 1959: 19). This site remained a meeting point for various parties in the negotiation of political relations between nations until well into the 19th century as communities of Cherokee settled in the area after being forcibly displaced from their native lands. These negotiations between native leaders and eventually representatives of the US government regarded who was to rightfully inhabit the river valley and live on its resources; at a broader geographic scale the region was part of an enormous tract of land to which various imperialist powers were laying sweeping claims of ownership.

During the age of European colonial expansion the land that later became the state of Arkansas, perceived as empty wilderness by the Eurocentric gaze, was a playing piece in the imperial designs of European powers before being claimed by the

United States as part of the Louisiana purchase of 1803. Unlike California, Texas, and the southwest, the area that became Arkansas was never part of independent Mexico. It was part of New Spain, however, and the first European to set foot in Arkansas was a Spanish explorer, Hernando de Soto, in 1541. The vast area that later became Louisiana Territory, including the state of Arkansas was from 1762-1819 claimed by the Spanish crown as a region of New Spain called *Nueva Extremadura* (see Figure 2).



Figure 2. Map showing the territory of the Louisiana Purchase as eventually settled upon by Spain and the United States. From 1803-1819 the extent of the territory was in dispute as Spain claimed that their cession to France, which eventually became the Louisiana Purchase, comprised only the city of New Orleans and the immediate western banks of the Mississippi River from its headwaters to the gulf. This map is from an edition of the National Atlas of the United States, a work of the federal government in the public domain and not subject to copyright. Online access: www.NationalAtlas.gov, print edition available at the Library of Congress.

The Spanish had very few settlers in the area and had not fully mapped the territory to which they laid claim. In fact, when they ceded the territory to Napoleon Bonaparte's

France in 1800, the treaty specified the northern reach of the cession as the headwaters of the Mississippi River, although no Spanish or French explorer had actually traced this source so its location was unknown to both parties to the treaty. France claimed the area for only a few years before selling the “empty” land to the United States government in 1803. Napoleon’s dreams of a New World empire were shattered by the Haitian revolution—the loss of a slave-based sugar producing colony in the Caribbean making New Orleans a far less desirable strategic site of commerce for France. Facing increasing conflict with England, Napoleon let go of the territory for very little money under the notion that the boost to US power would provide a counter-pressure on his rival from across the ocean.

Within the US government, there was serious opposition to the purchase on the grounds that the land title was not clear of Spanish claims, and indeed the limits of the territory were contested for over fifteen years (Schultz 1998: 15-16). No clearly defined boundaries had been established by any of the treaties intending to transfer this territory: the 1763 Treaty of Fontainebleau ceding the land from France to Spain, the 1800 Treaty of San Ildefonso moving it back to French control, or the 1803 Louisiana Purchase Agreement ceding the land to the United States. US officials claimed that the Louisiana territory properly contained all of the Mississippi drainage basin, including all tributaries, west of the river to the Rocky Mountains and south to the Rio Grande. Spain, on the other hand, claimed that their 1800 cession to France covered only the city of New Orleans and the immediate western banks of the Mississippi river from its source to the Gulf. The central Arkansas River Valley where Yell County is located was claimed by both governments as well as being a site of settlement and transit for several native nations in various moments of encounter and displacement. The region that later became Yell County, Arkansas was border

country. In fact, in the early years of white settlement, Spanish currency was the standard of value in the Arkansas River valley:

For some time after the Louisiana Purchase, Spanish money was recognized as standard exchange. Script was issued by the U.S. government from 1819 to 1825 and never had a general value of more than fifty cents on a dollar. (Banks 1959: 113)

This timeline indicates that in the Arkansas border country, distant from centers of power in Washington that were attempting to expand their regimes of value under a notion of Manifest Destiny, Spanish influence over standards of value and exchange remained strong even years after the 1819 Adams-Onís Treaty that settled the territorial dispute in a broad interpretation that favored US claims. This culturally and politically complex early history is treated only in a perfunctory fashion by the Anglo-centric traditions of Arkansas historiography, which often cast Anglo settlement of Arkansas as part of the grand narrative of westward expansion and emphasize the entrepreneurial and independent ethos of white immigrants. Bolton's history of Arkansas from 1800-1860, for example, begins with the assertion that the settlement of Arkansas "was part of the restless movement of people in search of economic improvement that had originated in Early Modern Europe, particularly in the British Isles" (1998: 1). He goes on to trace the lines of Irish and Scotch immigration into the western colonies in the late 18th century, leaving unexamined the histories of Spanish, French, African-American and native American occupancy and claims in the landscape that would become Arkansas.

When the Anglo settlers that many Yell County residents count as ancestors first came to the area in the early 19th century, they came as interlopers on territory claimed by the Spanish crown, not to mention land occupied and farmed for centuries by Quapaw and Osage nations. It was a frontier context: a site of extractive mining,

counterfeiting and other entrepreneurial activities depending on loose regulatory regimes, a chaotic area of transit and resettlement for indigenous refugees on the Trail of Tears, and crossing ground for multiple territorial claims and national allegiances (Banks 1959: 25-32, see also Bolton 1998: 67). Competing territorial claims included not only the dispute between the US and Spain but also conflicts between the Osage nation and displaced Cherokee communities who were being resettled north of the Arkansas River by US functionaries (Banks 1959: 16-17).

Acting as agent for the Spanish crown, the famous privateer Jean Lafitte traveled through central Arkansas in 1816 mapping the tributaries in the region and noting the influx of white settlers in the area who had traveled westward from central Tennessee. In Lafitte's view as Spanish functionary, these were illegal squatters on land that "according to the opinion that I hold on limits ought to belong to Spain" (cited in Hodges and Hodges 1948: 252). These immigrants from Tennessee were also, with the tacit approval of the state, taking advantage of conflict between native nations to encroach on the land of Quapaw and Osage settlements, while trading and sometimes intermarrying with the resettled Cherokee. A number of whites in Yell County today claim this Cherokee heritage.

As Lafitte wrote, many of the migrants whose descendents live in Yell County today came from parts of Tennessee and the Carolinas (Banks 1959: 55), and were not people of great possessions or prospects. Well-off individuals and families did not risk their lives and resources in border country; it was poor and landless whites that were willing to risk the dangers of frontier life on the chance of staking a land claim they hoped would eventually be recognized. In a letter to the Spanish Viceroyalty in Cuba, Lafitte speculated on the reasons settlers had for living in the disputed territory:

In addition to the advantages of the soil they have that of taking as much land as they want without paying a penny and for which they would have to pay at

least \$50 per acre if it were situated on the east of the Mississippi. (Hodges and Hodges 1948: 253)

Some of those who came were allotted land by the US government following their military service in the Revolutionary War or the War of 1812. However, land title in the area was informal, as Wayne Banks wrote in his history of Yell County:

None of these men as far as county records show ever filed claim to any land. Whether they attempted to or not is not certain, however, no titles ever became perfected... the whites as individuals wanted the land and the government made it possible by often lightly regarded treaties. It was a game in which the Indians always lost and whites gained. (Banks 1959: 17)

The encroachment of these white settlers into Spanish territory was legitimized *post facto* by the Adams-Onís treaty and the official incorporation in 1918 of the Territory of Arkansas. In a typical semiotic move, the territory was brought unto the Union under the French term for the native Quapaw peoples who lived in the river valley, in one gesture violating and appropriating the sovereignty of the native nation. The immigrants' encroachment into native nations' territory was never legitimized formally, but took place in the context of the westward expansion of US empire through military conflict and overt displacement during the Age of Manifest Destiny from 1812-1860. The discourse and practice of this expansion, as well as the discounting of Spain's claims to land, had as their ideological foundation a belief in the innate superiority of Anglo-Saxon peoples, then considered to be a biologically distinct race (Bolton 1998: 145).

In what would become Yell County, the first permanent white settlement was at Dardanelle on the southern banks of the Arkansas River. This settlement emerged at the end of the 1700s, while the territory was still in French hands, and at around the same time that Cherokee villages were established north of the river. French traders and merchants coexisted with English-speaking squatters from Tennessee and points east. When US claim over the territory was more clearly established by the 1820s and

1830s, the stream of immigrants increased. The family names of many prominent Yell County inhabitants of the present day are found in rolls of immigrants from that time period: Gilliland, Baker, Hall, Howell, Van Horn, George, Haney, Miller and Garner. Henry George, who arrived in Yell County in 1841, is ancestor to current state representative Nathan George who still lives (on a chicken farm that doubles as his personal airport) in the settlement called Mount George where his pioneer ancestor is buried.

Although the process of white settlement in this part of Arkansas may seem irrelevant, an account best left buried in the dust of history books, it is worth dwelling on for three reasons. First, it demonstrates that the immigrant ancestors of the white residents of Yell County established their presence in the area in a manner that was to a certain extent “outside the law,” which is the way many are now characterizing the more recent settlement of Latino residents. In other words, it traces a certain odd similarity between the “pioneers” who came to Yell from Tennessee and the Carolinas and the more recent migrants tracing migration streams from Mexico and Central America who also, in many cases, conceptualize themselves as *pioneros* (pioneers). Second, this history reclaims the diverse and conflictive heritages shaping the landscape that are not often emphasized in Anglo-centered narratives regarding Yell County’s cultural heritage. Third, it establishes several themes that have become integral to moral economies of value in this part of the country, themes that can be gathered under the cultural category of “frontier spirit” and include a strict work ethic of back-breaking labor, an enterprising quality that seizes on opportunities to acquire land and productive resources, an independence from and resistance to central governance in favor of local relations of power—relations that are idealized as egalitarian and universal but often involve racial and class hierarchies. These

universalizing, placeless frontier qualities are elegized by historian Wayne Banks as he writes:

The families settling were from nowhere and everywhere, all seemed to realize that they had an equal chance and met the daily challenge with vigor. The moral spirit and its feeling of neighborhood obligations knew no heights. The sense of usefulness to another, father to son and brother to brother was boundless and was the unwritten law of understanding. Acts of kindness toward neighbor and stranger were expected and often went unrewarded.... They were all on the level of equal opportunity and almost equal poverty. (Banks 1959: 37-38)

Of course, the families were from somewhere, and the place they were from also made a difference in the historical unfolding of Yell County's trajectory. The first white migrants to the area were mostly from Tennessee and North Carolina (Banks 1959: 59)(Bolton 1998), and these Confederate connections influenced the later orientation of the region and the state towards the plantation system of African-American slavery as a defining, if not predominant, regime of production.

Confederate Yell: the antebellum and Civil War period

Slavery was part of Arkansas territory before the arrival of American settlers, brought by the French. In 1819, the US Federal Government debated whether slavery should be permitted in the newly settled territory—first voting to free the small number of slaves there, and then reconsidering the next day. Following a geographic logic and conforming to a political compromise—the “Missouri Compromise”—Arkansas became part of the slave-holding South and Missouri became part of the North (Bolton 1998: 126). The proximity to New Orleans and Caribbean trade led to a different geography of human trafficking—some Arkansas slaves spoke Spanish and French—and the general lack of large plantation systems allowed for intimate relations between whites and blacks: “interaction with white people was characterized by fear and obedience, but it was also more complex than that” (Bolton 1998: 144).

Nonetheless the racial hierarchy of slavery was formative in Arkansan identity, even in the mountainous areas far from the Mississippi Delta.

By 1861, the population of Yell County exceeded 6,000 and approximately 4% of these were African-Americans held as slaves (Banks 1959: 119-122). Aside from a few families near Dardanelle that cultivated larger landholdings, most white families with slaves had very few, and probably co-existed in similar if not identical conditions. As Charles Bolton writes:

Slaves who lived on the small farms of Arkansas may well have functioned much like hired hands. Hardy Banks, for example, of Magazine Township in Yell County, owned a family of four slaves—a man, a woman, and their two boys. He was a subsistence farmer who grew corn, peas, beans, and potatoes and raised hogs, a small number of sheep, and cattle. He raised a small amount of cotton from time to time for ready cash, but relied more heavily on the occasional sale of a horse. He also produced thin strips of oak that he sold as binders for cotton bales. Banks's slaves were involved in all these activities, one benefit of which was that his wife could confine herself to housework and stay out of the field. According to his descendants, Banks and his two sons worked side by side with the slaves at what must have been a varied set of activities—felling trees, grubbing out stumps, butchering the livestock, chopping wood for the winter, and doing the ploughing, planting, cultivation, and harvesting for the various crops. The line between master and slave was blurred as the two families lived side by side in 'dog trot' log cabins, and the two men hunted together. (Bolton 1999:8-9)

Bolton cautions against an overly idealized or egalitarian view of these relationships, but emphasizes that slavery took a distinctive form in northwest Arkansas relative to Virginia, the Carolinas, Georgia and the Mississippi delta— Arkansas was a “society with slaves” rather than a “slave society” in which the master-slave relationship was the central organizing principle for social and economic relations (Bolton 1999: 2-4). A region unsuited to large-scale production, only recently settled by poorer whites, historians have emphasized factors other than slavery in defining the state of Arkansas before the Civil War. The image of white poverty and distinctive folkways of white mountain people—discussed in the next section—have instead been the central theme.

Nonetheless, the legal structures at the state level were very clear. The Arkansas legal code regarding slavery read that “All slaves shall be taken and held as personal estate” and defined African-Americans as chattel property, rather than real estate, similar to horses or farm implements (cited in Bolton 1999:15). The contradictions of treating human beings as farm implements, however, led to certain ambiguities in the law. Under some statutes of the Arkansas Constitution, slaves were considered legal persons with a right to be treated “with humanity,” and even a right to trial by jury should they be accused of a crime (Bolton 1999: 15).

Free blacks in the state were in an intermediate position between slavery and the citizenship enjoyed by landholding white males. During the 1830s and 1840s, free blacks were required by the state to register and give a certain amount of money into state coffers—supposedly to ensure that these individuals would not become a burden on state resources and public services. Following this,

A freedman named John Pendleton sued the state on the grounds that his rights as an American citizen were being denied—the Arkansas Supreme Court based their decision on the notion that free blacks “had nothing beyond a kind of quasi citizenship” which entailed rights to protection of person and property, but no civil rights. Logic was that the constitution was created by the white race for themselves. (Bolton 1999: 17)

In spite of the fact that slavery was a less widespread system in Arkansas than in other parts of the south, nonetheless it became a defining affiliation for the state—even in Yell County and the rest of the northwestern region. In 1861, Arkansas voted to side with the Confederacy and leave the Union, of which it had been a member for less than a quarter of a century. Poor whites, though they benefited little from the plantations’ regimes of production—in fact, often subordinate themselves as laborers or sharecroppers—nonetheless were willing to side with Southern white elites against a Yankee government that was seen as too intrusive and dominating. Nearly a century

after the fact, Yell County historian Wayne Banks—a strong proponent of “state’s rights”—wrote:

Perhaps no county entered the Rebellion more wholeheartedly than did Yell. Historians estimate that over the state not more than one out of five families owned slaves and in this county where the country is normally rolling and mountainous this figure could easily have been one of twenty... The majority had no interest in slavery, but when Lincoln called on the state to help coerce the lower south the people of Yell County decided that if they had to fight they would fight with and not against their friends and kindred. (Banks 1959: 123)

During the post-Civil War era, two phenomena impacted shifting race relations deeply. The first was the great migration of freed African-Americans towards urban regions and the north. Yell County, which had a relatively low black population even in the antebellum period, became a nearly homogeneous white community. The second was the gradual retreat from explicit justifications of racial hierarchy, through a moment of overt social conflict, towards a “post-racist” era when racial inequalities had to be perpetuated and justified utilizing legal and social forms that appeared race-neutral. During segregation, racial discrimination became a matter-of-fact issue of law as government took on the task of maintaining racial hierarchy (Moneyhon 1997: 57), while many whites who thought of themselves as respectable would avoid crude or discourteous expressions of racial distinction. One informant described his experience with race as a white child in Danville in the 1940s and 50s:

I was raised without a prejudiced bone in my body. I mean, I grew up seeing the separate bathrooms. And we had separate schools-- when I was a child all the black children were bussed to Morrilton... But still, in my family, my babysitter was a black lady. I was not raised being racist at all, and in my community there was never a racial hint. I was always very proud of that. There was always a good relationship between the white and black... I never remember there being a black-white incident as I was growing up. (“Robert” February 26, 2008)

In the 1940s, when the NAACP brought suits against the state’s separate and unequal system of pay for its teachers, the lawyers for the defense were forced to hinge their

argument on assertions that all the black teachers were less qualified than the whites, that their training, ability, and character were inferior—in other words, to “cloak arguments for black inferiority in racially neutral language” (Johnson 2000: 86). The integration of Little Rock’s Central High School in 1957, which Governor Orval Faubus attempted to block, became a symbol for Arkansas’ resistance to civil rights. Among the National Guard members called in to that conflict—first by the state governor to block the black students from Central High, and then by the federal government to accompany and protect them—were a few Yell County guardsmen. Whether or not it was to their liking, they were playing a pivotal role in Arkansas’ entry into the post-civil rights era.

Hill folks and yeoman farmers: Arkansas whites in myth and history

Following on the brief antebellum period from 1820-1860, Yell County’s River valley region of central Arkansas, tucked between the Ozark and Ouachita mountains, has an official history of racial uniformity. However, this seemingly homogeneous social landscape is made complicated by long-standing essentialized hierarchies within whiteness based on class status. Differences of class in the rural south are often glossed as hierarchies of human worth and moral fiber—the poverty of poor whites is seen as justifiable because they are framed as morally lacking, even as genetically inferior (see Cash 1941). Jamie Winders suggests that the discursive and social construction of “white trash” demonstrates that whiteness, particularly southern whiteness, must be internally differentiated and it cannot be assumed that whiteness always translates unproblematically into “white privilege” (2003). The possibility of a white subaltern subject in the US south complicates the idea of Latino migrants arriving into Southern communities bifurcated by a simple black-white divide, or into “homogeneous” white communities in the case of central and western Arkansas.

In particular, the mountainous areas of northwest Arkansas have been conceptualized not only as a site of valued heritage, but also and simultaneously the homeland of an inferior subspecies of human being, whose very whiteness is questionable. These images of inferior whiteness have been extant since the earliest written accounts of white settlers. In George Featherstonehaugh's memoirs from his travels through Arkansas in 1834 and 1835, he describes a man he stayed with in bestial terms:

...a squalid, half-negro looking, piratical ruffian from Louisiana, living in a wretched, filthy cabin, with a wife to match. (Featherstonehaugh cited in Bolton 1998: 89)

According to Featherstonehaugh, this man and his family shared their small cabin with a slave woman and her two children. He called Arkansas a "society of outlaws," a crude and violent home to debtors, gamblers, forgers, horse thieves, and murderers, drawn to the area by the absence of law enforcement and social rules regarding private property and ethical behavior (Bolton 1999: 1; Bolton 1998: 90).

The comical figure of the "hillbilly," based on the older myth of the Arkansas traveler, is a less overtly dehumanized descendent of this dark criminal figure. The Ozarks, much like the Appalachians, have been represented as a backwater, home to "diverting and picaresque" rural residents, "survivals of a primitive society," to quote the title of a 1931 treatise by Vance Randolph. Whites in this region have been subject to this kind of Othering since the beginning of recorded commentary on their presence. During the post-Civil War era, the figure of the poor white Arkansan came to dominate perceptions of the state, reflecting the growth of the population of disenfranchised whites who were economically marginalized:

At the bottom, at least as perceived by those above them, was a lower class consisting of tenants and laborers. They were, in short, the landless members of a rural society. This group steadily increased throughout the late nineteenth

century as economic conditions worsened and came to represent a larger and larger segment of both the white and the total population. The more successful members of the community considered the landless not only poor but possessing unique class characteristics. Terms applied to them, such as “poor whites,” “white trash,” “rednecks,” or in the mountains, “hillbillies,” were loaded with meaning and suggested that this class was not only poor but also lazy and uncouth—they brought poverty on themselves through their behavior. (Moneyhon 1997: 13)

The tenant system that many of these families worked under kept farmers poor and exploitable through debt and exclusive contracts (Moneyhon 1997: 7 and 76, see also Agee and Evans 1939 on the life of tenant farmers more broadly), in a manner remarkably similar to the current system of contract poultry growers.

Social inequality and labor exploitation around the turn of the century was fertile ground for protest from diverse groups of workers in Arkansas, among them African-American laborers in the Delta region (Moneyhon 1997: 73) tenant farmers (80), and railroad and manufacturing workers (83-87), and most notably coal miners (109-113). Unfortunately, although some of the turn towards progressive government in the state could be attributed to these struggles, for the most part the hopes of unions were dashed by a combination of state repression and the persistent power of local white capitalists in the sparsely settled rural landscape. Many of these regimes of production entailed the displacement and resettlement of workers in company-owned housing projects, work camps, and company towns, making organization difficult. In the central and northwestern part of the state, the timber industry was one of the few alternatives to subsistence farming. Timber companies benefited from the scarcity of work opportunities for poor residents of the region. The devastation of the “Dust Bowl” drought as well as the Great Depression in the 1920s and 1930s crushed any continuing labor efforts by displacing hundreds of families eastward, although the New Deal programs of the Roosevelt era provided some relief with the formation of a Civilian Conservation Corps camp near Yell County. Nonetheless, the early half of

the 20th century was a period of declining population and persistent poverty for whites in Yell County, until the arrival of the poultry industry.

In the contemporary moment, whites have widely ranging personal histories and experiences, but all must situate themselves in relation to the specter of the “hillbilly” and the well-founded fear of economic deprivation brought by a long history of marginalization within systems of production. Yell County, and the broader northwest Arkansas region, today is home to working-class whites who rankle at the condescension and contempt of others and either reject or embrace the term “redneck,” ex-hippies who moved here in the 1970s to get back to the earth and idealized the homespun self-sufficiency side of rural life—often inspired in their move by folk historians such as Randolph—and businessmen and entrepreneurs, many of whom descend from historically powerful families in the area, who have helped to make Wal-Mart and Tyson into corporate giants and given the region new life as a global center of neoliberal capitalism (see Chapter 5).

Chicken town: the poultry industry and the nueva frontera/ new border

While Yell County is a few hours away from the headquarters of Tyson, it is exactly the kind of place best suited to the emergent post-World War II geographies of the poultry industry, and it became the vanguard of the industry in the region. In 1946, Harold Snyder opened Arkansas Valley Feed Mills in Dardanelle. Later he founded the processing plant that was bought by Tyson in the 1980s. With a willing local labor force—those who were left from Depression and drought era displacement—a ban on the sale of alcohol, a proximity to water and rail travel, and a few local elites who were willing to risk the investment, the area was fertile ground. In particular, the founder of Chambers Bank in Danville was central in making loans to the nascent chicken industry, as described in a newspaper article celebrating his life:

Judge Chambers has lived for his family and the people of Yell County. Whenever an issue arises, you do not have to go to Judge Chambers to find out which side he will be on. Just figure out which side is right and best for the people of Yell County and know he will be on that side. He is accused of being ultraconservative, but conditions existing at the time the Danville State Bank was organized were such that no other policy could have made the bank succeed.... Possibly one of the hardest decisions Judge Chambers had to make as president of the bank was to agree to making loans on day-old baby chickens. He couldn't see any security in 5,000 baby chicks but recognized that the development of the area was at stake, he has gone along and supported the broiler industry as he has supported all other worthwhile activities in the community. If it can be said that Judge Chambers has one outstanding trait, one dominating characteristic, it undoubtedly would devotion to duty. That compelling desire to carry out any job undertaken to its successful consummation. [*errors in original*] (Editor 1958)

In 1950 the first chicken plant came to Danville, started by a man named Joe Ray. That plant grew and developed and he eventually in 1970 sold the business to Wayne Farms, a chain centered in the Carolinas, who now run the most complete operation in town with a hatchery and a "kill plant" as well as processing lines. Petit Jean Poultry is a small chain with corporate headquarters in town as well as a smaller plant that subcontracts chicken disassembly for Tyson Foods. In the early 1990s, both of those plants were running at half their staffing capacity due to a shortage of local labor, while market demand for chicken continued to rise (A.D. Morris, personal communication, September 26, 2007). The rise of this poultry industry therefore led directly to the recent wave of immigrants to the area, a majority of which are Mexicans and Central Americans. A few centuries after the terrain of Yell County was a contested border zone between Spanish and US imperial interests, the border has again come to the local landscape:

I've lived here in Danville all my life. One of the first things I think about changing is the town itself. Typically, up until 15 or 20 years ago you would drive through this town and you would have the typical Mayberry, USA setting where everybody knew everybody. You could drive through town and you had your typical Main Street rural businesses. I guess now one of the things I

notice is that you drive down Main Street and you can't pronounce most of the business names. We've gone in a business district sense from a Southern rural atmosphere to a South of the border atmosphere... if you're a lifelong resident here and you don't speak Spanish you can't understand these business' names... those of us who have been here all our lives have had to make a drastic change of the setting transforming from rural southern to that of a Hispanic culture. That's been a change we've had to encounter. (Bill Gilkey, personal communication, February 26, 2008)

Making of a border county

The Yell County described in the John Wayne movie *True Grit* is a frontier world of resilient and independent yeoman farmers, people with a strong sense of morality and justice and a tendency to take the law into their own hands. These broad strokes of myth, while they speak to certain themes, leave out much of the reality of the region's history, in particular the centrality of various kinds of racial subordination and violent conquest, as well as the political economic relations that have shaped class sensibilities. These histories have left their traces. Like Kansas, Oklahoma, and other parts of the West, Yell County carries the historical memory of the resettlement of Eastern native nations and the later encounters with Plains Indian nations. Like North Carolina, Georgia, and other parts of the South, Yell County was allied with the Confederacy during the Civil War and cannot escape the dual legacy of racial hierarchy and military subordination. Like the Appalachian Mountains and the Ozarks of southern Missouri, Arkansans in the northwest part of the state must also contend with the historical production of white inferiority in the form of the working class white "hillbilly" or "redneck." In the contemporary moment, Arkansans in Yell County of all colors, creeds, occupations, national origins, and migratory trajectories navigate their new border town by drawing on the traces of this history as well as the regimes of moral value instantiated by neoliberal hegemony. The next chapter

explores the experiences of recent Latino migrants to the area, and their complex and legally vexed understanding of their relationship to the local landscape.

CHAPTER 4
ARKATECOLUCA
TRANSNATIONAL RURAL IDENTITIES

*Mi hija me dijo, no quiero ir a Arkansas,
mis niños van a salir todo indio, montado en caballo,
con pulgas y garrapatas y Dios sabe que.
Pero yo la dije, si se quedan aquí [en Los Angeles],
se van a hacer cholos, todo vagos,
y es mejor en Arkansas porque es muy calmado.⁹
- “Magdalena” July 21, 2007*

“*A veces, me siento desubicado.* Sometimes I feel disoriented.” I heard these words from Gerardo, a Salvadoran man who has been living in Yell County, Arkansas for the past five years. His statement did not surprise me; the social landscape and historical heritage of rural Arkansas seemed light-years away from the small town in El Salvador where he grew up. Yet his disorientation was not as I had expected. He went on to explain that he is from San Vicente, while most of the other Salvadorans who have settled in Yell County that form part of his social world are originally from Zacatecoluca. The Salvadoran community residing in Yell County takes Zacatecoluca as one of its principle social geographies of reference, while others come from La Unión near the eastern border with Honduras, or Santa Ana in the western part of the country. Many who have lived here for years or decades own land and homes in Zacatecoluca, talk frequently with friends and family there, and send items back and forth by way of the *viajeros*, traveling couriers, entrepreneurs lucky enough to have permanent residency who charge a small fee to carry gifts and letters in their luggage for loved ones in the homeland. Although Zacatecoluca and San Vicente are barely

⁹ “My daughter said, I don’t want to go to Arkansas, my children will go around like Indians, on horseback, with fleas and ticks and God knows what. But I told her, if they stay here [in Los Angeles] they will become gang members, indigents, and it’s better in Arkansas because it’s calm.”

half an hour's distance in El Salvador, and both are thousands of miles from Yell County, the disorientation Gerardo feels is due to his unfamiliarity with a local social sphere that has become what Peggy Levitt calls a "transnational village" (Levitt 2001). *Zacatecoluca* is a word emerging from Nahuat, the native language of Pipil indigenous groups who settled El Salvador's territory before the Spanish conquest. *Zacate* means grass or wild brush, a reference to uncultivated country terrain, and *tecoluca* is a suffix meaning "place of." As I got to know Salvadorans living in Yell County, I came to understand that although Salvadoran geographies remained important in migrants' hearts, minds, and social relations, the "wild brush" landscape of rural Arkansas was also a site of great significance. As one woman said,

Each place that one lives, one misses, one dreams about it... I miss my country. And some people say, if you miss your country so much, why don't you leave? Because one puts down roots here too, one begins to love this country. And it's not just comfort. Because I have never had the best house, I've never bought the best car. I have always contented myself with only basic needs in order to help my family. It's the place. For example, if you tell me to go to another state, no, I already like Arkansas. I am not going to start over again in another place. I like it here, the quiet, the tranquility, I like it all... perhaps because in El Salvador I always lived in the country too. ("Isabel" February 26, 2008)

Transnational rural identities: pioneering practices

Transnational migrants living in Danville Arkansas frequently expressed to me their sense of belonging and rootedness in the rural landscape, as well as feelings of stewardship over the land and homesteads. While the expansion of the poultry industry influenced the arrival of Mexicans and Central Americans to Yell County, there is another narrative that explains the settlement of these "pioneers" in immigration's new frontier. While the first Salvadoran settlers in Arkansas mostly came from other regions of the US, such as Houston or Los Angeles, and more recent waves come directly from El Salvador, almost all comment on the pastoral quality of

their new home. A *cholo* from LA told me he came for the sake of his children, because although there was “nothing to do,” it was safe, idyllic even. Another young man who had grown up in Los Angeles and Houston said that he felt re-connected to the rural way of life that his Salvadoran parents told him about. He began to hunt, fish, and raise vegetables after resettling in Arkansas, practices that he had heard about but never experienced: “It’s true what they say,” he said to me, “this really is the Natural State” (“Everardo” October 12, 2006). “*Es como un cuento de hadas*,” said one young woman, “It’s like a fairy tale, with the mountains and rivers, and all so beautiful” (“Deisy” September 11, 2007). Another young woman told me of her plan to bring her grandmother from El Salvador to settle there, saying “I couldn’t have brought her to Houston, what would she do? But here, there are even some places that remind one of El Salvador” (“Carlita” October 3, 2006).

In particular, the pioneer migrants that first came to central Arkansas in the 1980s and early 1990s feel a sense of pride and rootedness in Yell County. According to local Salvadorans, they pre-dated the arrival of Mexicans (although I heard various versions of this history). Some attributed the tension between Mexicans and Salvadorans in the county to a sense of competition in new destinations:

What happens is that we are the second after the Mexicans—and we also go everywhere, there are Salvadorans wherever you go, in places where you wouldn’t think, like here, everywhere! In New York, there are Puerto Ricans and Dominicans, in Florida there are Cubans, but there are Salvadorans everywhere. And here [in Yell County], we even came *before* the Mexicans. The first of us came from Texas, and then some from California, and then we came directly from El Salvador. There have to be pioneers first who come from other parts of the United States to establish the situation, from there they develop the link, the bridge. (“Gerardo” November 10, 2006)

Those who were pioneers—a few of whom did come directly from El Salvador—express pride not only regarding their ability to make their way in an unfamiliar world, but also in their active reshaping of the social environment to make things easier for

those who came later on. Rubén Aguilar, a man who came to Arkansas directly from El Salvador in 1983 and found work on a small crew in the Ouachita National Forest, describes the way that local stores came to carry tortillas:

We worked for the Forest Service, and for Whitehouse [Paper Company]. Planting pines. At that time there were no tortillas in the stores—no tortillas! Only French bread, and things like that. There were no tortillas.... So then the boss [*patrón*] took a tortilla to the store, to show them what it was. From there we made special orders, but they would always run out quickly. So that is how they began to bring Hispanic foods-- beans, rice, tortillas, and so on. (“Rubén” August 3, 2007)

Magdalena claims that her late brother, who also came more or less directly to Arkansas from El Salvador, was the very first Salvadoran to set foot in Yell County in the early 1980s. Having been separated from his group of fellow migrants during the border crossing, he was hiding out in a church in Texas and happened to make friends with a cousin of the brother-in-law of the same forest contractor who later hired Rubén:

Raúl came [to Texas] for one of his cousins and ended up taking my brother back too, along with some others, and gave them work there in the mountains. They stayed in tents there and endured cold, heat, swarms of insects... they paid them by the seedling, at first 37 cents, later a bit more. When the *señor* saw that they worked well, my brother said to him, look, why don't we go back to Texas to recruit more. And so they did. The new [workers] they put in an old chicken house, without electricity, without heat, nothing. When it was cold they just lit a fire, and the men slept there on the ground like pigs. (“Magdalena” September 28, 2007)

The trees that Magdalena's brother and Rubén planted are now tall, although the harvest cycle for paper plantations is long enough that none have yet been logged. The plantations that these men worked on fill the rolling hilly landscape between Danville and Hot Springs. The forested hills that characterize central Arkansas, the “Natural State,” are largely the work of mostly Latino work crews hired by contractors employed by both private companies and the federal Forest Service.

At the time of Rubén's arrival in the 1980s, he and his all-Latino crew were unusual in an industry predominated by local white youth. However, the successful experiment of his *patrón* (an Arkansas man who happened to have a bilingual Texan brother-in-law) in recruiting Hispanic workers from the Texas border area had a domino effect on the industry. In the new century, the seasonal work on pine plantations is dominated by crews of largely undocumented Mexican and Central American workers. These crews are supervised by new *patrones*, including three Salvadoran brothers, *los hermanos Melendez*, who came up as laborers in the 1980s but have since achieved permanent residency and begun their own business as contractors in forestry, mostly with the federal Forest Service.

Jonathan Melendez, one of the brothers, came to Arkansas in 1984 at 17 years old. "My cousin sent for me," Jonathan said, "and he was pleased because I liked to work." In the early days in that part of Arkansas, he and other Latinos on the crew would avoid Mt. Ida, the closest town to their camp, because they were afraid of the authorities. Yet Jonathan soon found ways to interact with local communities, and eventually joined a local Pentecostal church—mostly because of a girl he was pursuing. Her father was a construction contractor with an all-Latino crew. "He liked us as workers, but not as family. He never liked me." In spite of this distaste, however, the girls' male relatives still wanted him to marry her to "make her an honest woman."

Immigrants emphasize their stewardship of the land and homes, through detailed descriptions of their work to maintain and improve properties they have bought or even rental properties. One woman, who I met in El Salvador after her eventual return, explained to me how she had won the heart of a landlady by refurbishing her trailer:

When we got there it was a big mess, just a big mess. Two *Americanos* had been living there and they had left all this trash. So we made it how it is today, a nice place to live, and she was very happy. (“Lupe” June 2, 2008)

Folks also appreciate the farming and gardening traditions in Yell County. One man compared the local production of honey and sorghum sweeteners to the traditional methods of candy-making he remembers from his youth in El Salvador. Another young Salvadoran man, who had recently married the daughter of a chicken farmer and gone to live on their farm, said:

It’s very nice; I like gardening. I think Salvadorans come here to Arkansas and find out more about cultivating a garden for the family’s consumption. I see that in El Salvador that’s almost never done—people grow the *milpa*, yes, corn... and beans and rice, but they don’t think to plant a few pineapple bushes, or if they have a little piece of ground by their house to put in tomatoes, onion, peppers, everything. I’d like to buy a plot of land around 10-20 acres, enough for a big garden and some animals. (“Gerardo” August 20, 2007)

According to the Yell County Farm Credit Services, there are still very few non-whites who are full time farmers, and the 3 or 4 immigrant farmers in the county have all purchased their land since the late 1990s. Though the spaces of exchange are still dominated by older white farmers, Latinos are also present at the River Valley Stock Auction that occurs every Tuesday afternoon, and plots to purchase goats, poultry, cows, hogs and other livestock are always circulating on the soccer field and in the restaurants and *tiendas* where people hang out and share information.

While men establish themselves through the soccer league, ownership of land and possession of livestock, women experiment with the new cuisines they encounter and participate heavily in church life. In Danville I have eaten Thai sticky rice doused in Mexican hot sauce, soup with *pipián* and wild duck brought from the hunt, and a delicious combination of Salvadoran *boudin*, a moist sweet bread, and southern-style banana pudding. Women exalt the benefits of pressure cookers for preparing red

beans in a fraction of the time, and seek out gas stoves for the purpose of reheating thick Salvadoran-style tortillas over the burner flames, flipping the hot tortillas with bare hands just as you would on a clay *comal*. Women often get together to make large-batch foods such as *tamales* or fried street foods for the purposes of church fundraisers, either for the rapidly growing Catholic church, *Iglesia de San Andres*, or for the many evangelical churches that have established Spanish-language missions in the county. The Church of Christ and Jehovah's Witnesses, motivated by strong evangelical missions, created outreach groups and had well-established Latino "starter churches." Latino churches from California or the southwest also sent pastors to start new churches, like the *Iglesia Nueva Vida*, and in one case a Mexican Baptist church sent a pastor to begin a mission in Yell County, working with the government to get him a professional visa.

Transforming Main Street: ownership and white response

The restaurants, *tiendas*, and other Latino-owned businesses have transformed the facade of Main Street. Since the first *tienda* Morena's Market started in Danville in the mid-1990s, a number of other businesses have moved into commercial spaces in the downtown. Older storefront presence such as the Abundant Life Pentecostal Church and Horn's Watch and Clock Shop stand adjacent to La Merienda, a Salvadoran cafeteria-style restaurant that also provides the service of wiring money overseas. La Placita a few doors down is a convenience and grocery store, Morena's Pastelería offers specialty cakes, and around the corner is a Mexican restaurant and a place called Vestal's Dairy Bar that's been converted to a lunch stand selling *tacos* and *tortas*. Down one of the side streets is an Asian grocery and in 2007, a Laotian restaurant moved into a vacant site on the edge of town. In walking down Main Street you are as likely to hear Spanish as English.

One small sign on Main Street, advertising the office of a bookkeeper, notary public and tax preparer, also offers “Immigration Services – *Servicios de Inmigración*.” Patty Sutherland, the owner, moved into this area from southern California, the daughter of Italian immigrants. When she came in the early 1980s she was considered quite exotic. People asked if she was Asian or Mexican, and assumed that she couldn’t speak English. “When they found out I was Catholic,” she laughs, “I may as well have been a voodoo priestess. They knew my soul needed to be saved.” At that time the signs downtown were accurate—“Bob’s Hardware” was really Bob’s Hardware, though the storefront that still bears that sign now houses a *variedades* store, where you can buy flip-flops imported from El Salvador, *quinceañera* dresses and strings of clay chiles that are Made in China.

Ms. Sutherland’s foray into immigration application processing happened quite by accident when the bookkeeping business was still owned by her father, known in town as “Mr. G.” When a Latino resident, a previous client, walked in one day and asked for help filling out his paperwork, Mr. G waved towards his daughter and said, “She can help you.” From there she began to learn about the complexities of the immigration bureaucracy through experience. Her identification with immigrants via her own heritage and feelings of exclusion from the local social world shaped her attitudes towards her new Latino neighbors as well as her willingness to take on the task of immigration services. She describes speaking up as an advocate in a local sphere that has not always been immigrant-friendly, but where feelings of acceptance and even appreciation have developed over time:

It's been a rough time for immigrants here in Danville, but times have changed. People still make a lot of comments, but they see the positive side too. When they talk about the newcomers not wanting to become Americans, I say "my family came here from Italy, unless you're Native American your family came from somewhere too so don't be so quick to judge." But you'd be surprised at some of the people that come around-- there was a

good ol' boy who was practically the only American working at Petit Jean- you would think he'd be the first to be rude and racist but now after working side by side for years he says "well, they're really good people." People have started to see things differently. (Patty Sutherland, personal communication August 20, 2007)

Local whites, as a whole, have accepted the permanence of their new neighbors and appreciate what they can while retaining a level of anxiety and resentment about the rapid changes in their social landscape. While nativist attitudes regarding the importance of English language use in public spaces remain, particularly among older residents, the majority of the white Arkansans interviewed for this study spoke positively about the new and visible signs of cultural diversity around the town. Speaking of his own initial experience with Latino migrants, a retired school teacher described some of the ways that communication happened across language barriers:

Just as soon as they were here we would get invited to homes, and maybe I'm a little too open-minded... we'd go into these homes, mom and dad neither one of them would speak a word of English, but we're communicating. Me and the dad would go out front and he'd lift the hood of the truck, and you know, there's an engine—we got guy talk, it may be in two languages, but he turns on some music and I'm turning up the bass. Good old guy stuff. And Barb's in there in the kitchen with the mother and the little kids just around, and you can communicate. Of course the kids are our interpreters. ("Robert" February 26, 2008)

Locally born residents also frequently commented on the relationship between the labor demands in the chicken plants and the presence of the migrant community:

If it weren't for the immigrants, this town would keel over and blow away. We need those chicken plants. Education is great, I love education, but then there's nobody left to work. And that's why all these Hispanics come, is to work. The families are fine, they are good Christian people. ("Rose" March 26, 2007)

Some white residents emphasized the apparent intentions of their new neighbors to settle permanently, expressing respect at the sense of stewardship demonstrated by families who are settling:

What I've noticed is that a lot of the Spanish people are putting down roots here, buying homes and so on. At first just the men would come, live 5 or 6 in an apartment, work for a few years and then all of them would quit at once and evidently they would go back to Mexico, and what they had saved was enough to buy a house, some land. Now, the men still come first but they check out the place, see what the people are like and the town, then they bring up their wife and the kids, then they tell their friends and cousins about it. You know I've noticed a lot of these guys like farming, they like to have animals and cattle. Lots of them came from the country so I guess it must seem nice to them here after being in those big cities, more like home, more like a place they would want to settle.
("Stanley" February 12, 2007)

These attitudes on the part of many whites are not lost on Salvadorans and other Latino migrants, one of whom even asserted:

At first, there were problems with the police but now they do what they should, no discrimination, they respond to calls... a few years ago the White Revolution came to town but the whites here rejected them. I think anybody who really didn't like Hispanics left the town. Now it's like a big family that lives in one house—we may argue amongst ourselves, but in the final analysis we are united, *Americanos* and *Hispanos*. ("Isabel" May 28, 2007)

This woman also happened to be married to a white man who had local roots, although he himself was born in California. His family had been driven west from the Arkansas river valley during the great depression and drought of the 1930s. He often told me that he felt a kinship with Isabel from the first because her family, too, had been displaced and forced to travel far for their livelihood. Even in the context of heightening tensions nationally and state-wide, many migrants expressed a sense of security in the locality. After a discussion about recent anti-immigrant laws and enforcement programs in Oklahoma and Springdale, Arkansas, one informant said:

Now here it's calmer than in other parts of the state—here they have to recognize what we have done for the local economy—and Arkansas more than anywhere else has to recognize that Hispanic labor has helped them to get ahead. Before, it was worse here, less jobs, less money, worse education and lower levels of social well-being. (“Gerardo” August 20, 2007)

These local recognitions, however, do not entirely remove the impact of “illegality” from migrants’ lives, and the prospect of deportation is, for many, a constant specter haunting their sense of belonging.

Green mountains, yard sales, and deportability

In the summer of 2007, I went on an excursion with a Salvadoran family from Danville to Hot Springs. Magdalena, who always served me pure spring water from Hot Springs that she kept in dozens of reused jugs and an enormous cooler, needed to refill her containers. The double-cab pickup truck bed was filled with these gallon containers, and the front was crowded with the two middle aged sisters, Lucía and Magdalena, Lucía’s son Rafa with his partner María, Magdalena’s granddaughter Chavelita, and myself with my three-year old daughter. During the two-hour trip as we drove through the mountains and stopped at yard sales, the family chatted about times in years passed they had gone swimming in a particular river, or helped cousins move into a small village we passed. The 90-minute drive stretched into a four-hour journey as we stopped at every yard sale we saw en route. I bought a set of sheets and some dry goods canisters, Magdalena purchased a dog bed for her Chihuahuas, and María convinced Rafa to buy her an automatic foot massager—“for after I come in from working at Wayne [Farms].”

As we wound our way through the national forest, Lucía turned to me and said with pride, “My brothers planted all these pines.” She described to me, as her brothers had told her, the extremes of weather and hardship they had experienced in their years

of living on the mountains in tents or trailers. Her sense of ownership was evident in her voice, and I played the role of an outsider, admiring the labor and hardship that had earned her family their sense of belonging. As we came into Hot Springs, the conversations whirled around people and places that I was unfamiliar with. Magdalena showed me where their younger brother was buried in the Hot Springs cemetery: “We thought about returning his remains to El Salvador, but he had married here, and had a son, and they wanted to be able to visit his grave” (“Magdalena” August 21, 2007).

In the midst of these conversations that both revealed and asserted a sense of belonging and rootedness, an off-handed and half-joking exchange about deportation demonstrated an underlying anxiety about legal status. The truck was followed briefly by an unmarked white Nissan, and Rafa glanced back nervously at the vehicle several times. We pulled over at a yard sale and the Nissan kept going. The conversation that followed made light of the fact that four of my five companions were imminently deportable:

RAFA: I thought it was the police.

LUCIA: I thought it was the *migra*! [laughing]

MAGDALENA: They’ll deport us for being suspicious. Too much going to yard sales!

CHAVELITA: They can’t deport me; I was born here!

LUCIA: Of course they can, they’ll deport you to California! [All laugh]

MAGDALENA: Where were you born, Miranda?

ME: Missouri.

MAGDALENA: They’ll deport you to Missouri! [All laugh]

This anecdote reveals the way in which a local reality of labor integration, permanent settlement, identification and growing social acceptance is overlaid by a set of legal categories that maintain the immigrant community politically disenfranchised and infuse their lives with the contradictions of “illegality” and deportability. Even as migrants’ participation as workers and neighbors develops, and their affective ties of

identity and belonging deepen, they remain formally excluded from belonging and their hold on their US life, including jobs, homes, and relationships, remains contingent. This process of legal exclusion implodes upon migrants' subjectivities, creating an irresolvable tension regarding emotional attachments to places and people and making tenuous any sense of economic security.

In many ways, those who were most integrated into Anglo communities were most keenly aware of this instability and most sensitive to the indignities of their condition. Saúl, a fully bilingual and well-educated man from San Salvador, quit his job as a human resources clerk in one of the poultry plants because he no longer wished to participate in the management practices of the plant. "They only exploit people," he said, "because they think that nobody has papers, and nobody has capabilities" ("Saúl" March 25, 2006). He described an incident wherein his boss had suggested they take a trip to southern Texas to recruit more workers. As I learned from others, this plant was notorious for poor treatment of line workers and turnover was extremely high, even compared to the already-high industrial average. The company took any opportunity to cut wage costs. One worker claimed that a supervisor yelled at her and called her a thief for refusing to punch out and then return to the disassembly line, telling her that overtime pay was robbery. As Saúl saw it, the most humiliating part of the situation was the dead-end nature of the jobs:

The work is heavy, yes, and it stresses the body, but the worst part is it's very difficult to get anywhere from those positions. It's repetitive work, you only have to make one movement, just one task, you don't even have to listen and follow directions. So the people don't learn English, don't learn new skills. Educated people, skilled people continue year after year in the same way. People that have degrees in law, or medicine, or business, and there they are, simply because they don't have papers, or they don't know English, or both. ("Saúl" March 25, 2007)

Rodrigo is a construction worker living with a working-class white woman and her children from a previous marriage. Through her family, he heard occasional slurs against Latinos and listened to the invective on right-wing TV shows and radio spots. More than any other interlocutor, Rodrigo was careful to interrogate my purposes and perspectives before consenting to an interview although we had known each other a long time. In his interview, Rodrigo said:

There is a lot of insecurity. I feel completely insecure. For example, this weekend a lady came from El Salvador, one of those who travels taking and bringing back small items from El Salvador. But this time in the airport they took everything away from her, every little thing she was bringing. There was a photo of some of my family. I think there was no reason for them to do that. You could say it's not a very big deal, it's a very small thing, but you can tell that it's getting hard. (September 24, 2007)

A few months after our interview, Rodrigo called me at home to vent his frustration. His girlfriend wanted him to help her buy a new house, and when he expressed his hesitancy she got angry and said that he couldn't think about the future, it must be because he was Hispanic, all Hispanics are irresponsible. He got angry and stormed out. On the phone he said to me:

How can I invest in a home? How can I invest in a life with her, when they could just take me away at any moment? Her family doesn't like me, but they don't understand. It's not that I want to be irresponsible, but I can't count on anything. I can't live like this. Every day I'm afraid. ("Rodrigo" November 2007)

These comments were made in the context of an emergent national-level backlash against "illegal" immigration which was perceived by migrants in Yell County, though to a certain extent they were shielded from its more vitriolic forms by the notable *tranquilidad* of the county and local whites' orientations to the issue. Rodrigo's sense of mounting danger, however, was also echoed by other informants in milder terms. Many were conscious that the border area was more dangerous, *que ya no está como*

antes, it's not like before. Some were aware of an anti-immigrant law passed in Oklahoma in 2007, as well as an agreement made between the Arkansas State Police and ICE in April of 2008 that permitted some state troopers to enforce immigration law. This agreement materialized for Yell County Latinos in the form of a state trooper, a native of Yell County, who began to patrol the area more extensively after the MOA with ICE. Rumors flew that this particular officer was stopping those who "looked Hispanic," without any probable cause, to check their identification and detain them if possible. Some even said they had overheard him in the Save-a-Sum bragging that he would "clean up the county" by ridding it of all the "illegals." One individual pulled over by the trooper had his green card confiscated as the officer claimed it must be "a fake." These encounters complicated the generally positive view migrants held of law enforcement, and some changed their driving practices or work situations in response to an increasing climate of fear. For many, however, the increasing harshness and ubiquity of immigration enforcement was simply a motivation to get family members into the relatively safe space of Yell County as quickly as possible, and cut down or eliminate clandestine return trips and travel through the United States.

Nuevos Arkansanos en Arkatecoluca: transforming persons and landscapes

In the short time of settlement, migrants have found ways to acquire a sense of sociality with their *Americano* neighbors, often through church fellowships, and in some cases through intermarriage. The Salvadorans I spoke with often felt a profound connection with and belonging in their new Arkansas home: they have planted seedlings that are now towering trees, bought homes, raised children, married, birthed children, and buried kinfolk. Local whites, as a whole, have accepted the permanence of their new neighbors and appreciate what they can while retaining a level of anxiety and resentment about the rapid changes in their social landscape. This local sociality

is complicated and fractured, however, by a set of legal categories that maintain the immigrant community politically disenfranchised and subordinated to exploitative modes of production.

The majority of my interlocutors identify with Danville as their home community, and many more will also claim an identity as *Arkansano* (Arkansan) or even *Sureño* (Southerner), distinguishing themselves from friends and relatives living in northern or coastal cities. According to recent research on self-identification as “southerner” among residents of the region, the normative “southerner” identity, with its inflections of whiteness and Protestantism, has been weakened over the past 50 years and many non-white and non-Protestant residents, including first generation immigrants, now self-identify as “southerner” (Griffin, et al. 2005). Yet the elusiveness of recognition of valid belonging, both through legalization and full social recognition, causes a schism in these identities. Even while participation as workers and neighbors continues, and affective ties of identity and belonging deepen, the proliferation of fear and the anxiety of “illegality” infuse migrant’s practices and subjectivities making of their lives a permanent temporariness, a social limbo. Chapters 6-8 will explore this vexed condition further and discuss the impact of “illegality” on migrants’ lives and subjectivities. Before returning to the complexities of these legal exclusions however, we must return to a historical-geographic perspective on the development of local neoliberal political economies with which these legal forms articulate. The next chapter, *Wal-Mart Territory*, describes the rise of a particular form of neoliberalism from the soil of northwest Arkansas, and the way in which neoliberal projects both in Arkansas and El Salvador shaped the emergence of migration streams and the formation of a new *Arkansan/Arkansano* ethos.

CHAPTER 5
WAL-MART TERRITORY
GEOGRAPHIES OF NEOLIBERALISM IN ARKANSAS AND EL SALVADOR

*Ay, entonces tu investigación se trata de
Salvadoreños en la tierra de Wal-mart,
y Wal-mart en la tierra de El Salvador.¹⁰*
- “Alberto” March 2007

Arkansas, during the time of my fieldwork, was the last great bastion of economic optimism in a national economic culture increasingly characterized by insecurity and disillusionment. During preliminary visits I noted that the spectacle of growth spread out towards the rest of the state southeasterly from the Wal-Mart corporate headquarters, surrounded immediately by high-end shopping complexes and luxury housing developments. Just south of Bentonville, home of Wal-Mart, the towns of Springdale and Rogers boast a great number of poultry and other food processing plants, as well as the global headquarters of Tyson Foods, Inc. In the surrounding countryside the long, narrow forms of chicken barns dot the landscape, broiler farms that provide an endless stream of carcasses for Tyson, ConAgra, Hudson Foods and other poultry giants based in Arkansas. From the air, the long thin silver roofs of the chicken barns look like the wealth of so many silver bars spread across the rolling Ozark and Ouachita foothills.

The boom began in the 1980s when the growth and expansion of Wal-Mart and Tyson turned around the fortunes of a regional economy that for decades had been seen by outsiders, and experienced by residents, as an economically depressed “backwater” of the national economy. In the 1990s this growth skyrocketed, spurred

¹⁰ “Ah, so your research is about Salvadorans in the land of Wal-Mart and Wal-Mart in the land of El Salvador.” This was the response of one of my interviewees when I explained my topic of investigation.

by the success of Wal-Mart's strategies of market saturation and aggressive expansion (Johnson 2000: 197-200), and helped along by the rise in nationwide demand for chicken as a healthier alternative to red meat (Hetrick 1994; Kandel and Parrado 2005). In 1993, the Arkansas Business Magazine proclaimed that the economy was booming thanks to the poultry industry with the headline, "\$2 billion chicken lays a golden egg" (James 1993). In the same issue, an article on the trucking business in northwest Arkansas marveled at the phenomenal growth of the trucking companies in the absence of a significant infrastructure of interstate highways in the region, including the nation's largest overland carrier at the time, J. B. Hunt (Spivey 1993). In the article, a company owner attributes the growth of the trucking industry primarily to a unique entrepreneurial spirit, "I guess we have more than our fair share of entrepreneurs in this area," and only secondarily to the presence of high and growing demand for overland transport based on the presence of Wal-Mart and Tyson. He naturally left out the role of the eager local labor force:

Northwest Arkansas enjoyed other advantages besides a corps of determined capitalists. The region was unburdened by dependence on a single agricultural commodity, and its low-skilled workers were readily available for the new food plants. (Johnson 2000: 200)

In 1998, the sky being the limit, the region opened an international airport in the middle of a cow pasture, and this airport rapidly linked to national and international circuits.

By the mid-2000s, the euphoria of growth seemed to permeate western and northwestern Arkansas. The Wall Street Journal insisted in 2005 that the region's boom was "just beginning" (Dunham and Stringer 2005). The discourse that circulated around corporate boardrooms and real estate offices was uncannily optimistic: we're on the way up, and this growth will never stop. Wal-Mart was declared FORTUNE Magazine's most admired company, prompting a eulogy of epic

proportions titled “One Nation Under Wal-Mart,” a narrative that once again emphasized the company’s transformation from country store to corporate superpower:

For most of Wal-Mart’s 41 years, corporate America refused to acknowledge the retailer as one of its own. Wal-Mart was Podunk, USA, Jed Clampett, Uncle Jesse’s pickup—and worse yet, a discount store. This year its transfiguration is complete. Wal-Mart is FORTUNE’s most admired company, marking the first time the world’s biggest corporation... is also its most respected. You might say that Wal-Mart finally belongs in corporate America. More accurately, you could say corporate America belongs to Wal-Mart. (Useem 2003)

Populist capitalism: transfiguration and pickup trucks

The FORTUNE article’s reference to “transfiguration,” a theological term referring to a transcendent moment in the life of Jesus Christ, is no accident. In the Biblical account, the transfiguration occurs when Jesus climbs a mountain together with apostles Peter, James, and John. When they reach the top, holy light emanates from Jesus and soon after the voice of God is heard proclaiming “This is my son, listen to him” (Mark 9:1-10). Sam Walton is a deified figure, not only within the social world of northwest Arkansas for whom he provided economic salvation, but also within the branding of Wal-Mart enacted through its flyers and corporate materials. Narrative accounts of his life emphasize his humble beginnings as manager of a 5 & 10 store in Bentonville, Arkansas, and recount his rise to fortune as due to hard work, ingenuity, willingness to risk new ideas, and a self-sacrificial dedication to family and customer. In a semiotic analysis of Wal-Mart corporate imagery, Arnold et al note the virtual absence of male figures in advertising, with the exception of Sam Walton himself. Puzzling over this absence in light of the dominant narrative themes of intact nuclear families, small hometowns, and American patriotism, the authors

suggest that Walton is a figure that stands in for an idealized Judeo-Christian masculinity:

Mr. Sam has become elevated to universal father and tribal patriarch. Echoing the resurrection and rise of Osiris in death (and perhaps the Star of Bethlehem). Sam Walton's death in 1992 was soon followed by the stellar replacement of Wal-Mart's hyphen with a Wal*Mart star.... The rise of this star evokes the divine wisdom of holy wise men and the acquisition and giving of gifts. No mere father figure, Mr. Sam has been transfigured by time and mortality into a ritualistically guiding wise Moses or Abraham as well as a beardless Santa riding his otherworldly pickup truck and bringing the daily gift of low prices and bonded families. These images draw deeply from the paternalistic imagery and lore of Judeo-Christian tradition. (Arnold, et al 2001: 252)

The company's exponential growth and aggressive market expansion, while in tension with this benevolent paternalism, were also enabled by the down-home image of "Mr. Sam," as many in the company still call the deceased founder.

Walton was the epitome of businessman as folk hero. His frequent visits to stores and his casual, unaffected rapport with hourly workers inspired genuine affection. Everyone in Arkansas knew that the nation's wealthiest man drove a pickup truck around Bentonville. (Johnson 2000: 199)

The parallels between "Mr. Sam" and "Uncle Sam" are striking during recent decades as aggressive, neo-imperialist expansions of power—both economic and military—were enacted by folksy leaders with a disarming Southern twang.

The public relations department of Tyson Foods has also propagated a narrative of personal hardship, entrepreneurial bravado, and eventual success. The story of John Tyson, founder of Tyson Foods, follows the same rags-to-riches narrative. When he arrived in northwest Arkansas in 1931, the story goes, he had "a nickel in his pocket" and a run-down truck that he used to haul fruit, hay, and eggs for local farmers. His success is attributed to a venture in 1936 when he took a load of birds to Chicago, a project celebrated within popular mythology for its intelligence as well as its entrepreneurial risk:

More than 60 years have passed since John Tyson drove his battered truck to Chicago to deliver a load of 500 Arkansas chickens.

Tyson heard that chickens were bringing a better price in northern markets, so he cashed in his savings and borrowed the rest of the money he needed to finance the trip. He sold the birds for a profit of \$235, \$220 of which he wired home to pay on his debts and buy another load of birds.

Out of that trip sprung the foundations of a company that would revolutionize the poultry industry. We invite you to walk through time and discover how the world's largest poultry company rose out of the soil of Northwest Arkansas.

(<http://www.tyson.com/Corporate/AboutTyson/>, accessed May 26, 2009)

The “revolution” referred to in this story is the vertical integration of poultry production that consolidated central control of the industry in the 1950s. Middlemen like Tyson acquired capital profits early in their careers sufficient to purchase other aspects of the production chain. Maintaining control over the birds from hatchery to processing, Tyson and other poultry pioneers eventually drove out or appropriated smaller ventures and created enormous companies with a strong structural resistance to unionization (Striffler 2005: 32-52). The geography of the poultry industry in the United States, with hubs in Delaware, the Carolinas, and northwestern Arkansas, builds on an earlier geography of rural poverty and agricultural difficulty. Faced with rugged terrain and difficult soils, Arkansans in the northwest half of the state never profited from cotton like their neighbors in the southeastern Mississippi delta. The “hill folk” eked a living through a mixture of small livestock, a few dairy cattle, apples and subsistence crops. In this context, many farmers were willing to contract their labor to poultry companies raising the birds, probably unaware that this industry would eventually “alter the face of Ozark farming, challenging the traditional independence of the small farmer and injecting a dose of agribusiness mentality” (Blevins 2002: 162). At first, this agribusiness orientation was most notable in the lack of independence of the small farmer, who became “little more than caretakers of the company’s valuable property” (Blevins 2002: 168). In most farmer contracts, the company owns the hatchlings and the feed, while the farmer supplies barn, labor and

heat. Barns must be built to company specifications and often farmers are left in perpetual debt for both the initial investment and constant improvements in the facilities (Striffler 2005: 47-49). One farmer in Yell County, a Central American man who had invested his life's savings in the farm, found it necessary to work a shift at the Tyson plant in addition to farming. He said to me:

In the plant, they think that I must be rich because I am a farmer. But it's just the opposite. The farmer is more screwed than the worker! I have everything invested in this farm, everything. And the company still has all the power. When I bought it they didn't tell me that one of the barns was not up to Tyson's standards, so it was useless. Useless! I had to take out a loan to build another barn so I wouldn't lose the contract. Those who work on the line can walk away, but I can't walk away because I will lose everything. ("David" August 6, 2007)

In the late 1990s, the USDA and Congress considered regulating the poultry industry to prohibit intimidation of growers, extend bargaining rights to farmers, and ensure fair compensation. In a letter to the USDA opposing such regulation, the president of a poultry processing company wrote,

I am quite confident you will be strongly opposed by those very independent, very successful growers that represent over 90% of the individuals in that part of the business. Less than 10% do believe in socialism because they are not interested in competing, performing the work they have agreed to perform, or accepting pay based on what they have earned versus a welfare type handout... (cited in Johnson 2000: 193)

In an impressive rhetorical move, a corporate leader who sought to appropriate or eliminate his own competition accuses small-scale farmers of failing to hold appropriately liberal values regarding the free market. While many pro-regulation letters came from the Contract Poultry Growers' Association, many were also drafted by farmers themselves, who often asked that they not be identified due to fear of reprisals from the contracting companies. The regulations were never instated.

The cutthroat attitude Tyson demonstrates towards its growers is also reflected in the company's acquisitions. From the time the corporation went public in 1963 until the 1990s, the company was characterized by an "expand or expire" strategy with 20 acquisitions, culminating in the merger with Holly Farms in 1989 which doubled Tyson's market share implying that one in four chickens sold in the country came from Tyson Foods. Even at this stage the legendary personality of the company's CEO, Don Tyson, was central to the company's identity:

... Don Tyson [was] a colorful, freewheeling Arkansas good ol' boy who transformed not only his father's company but the entire poultry industry. With rapid-fire acquisitions and such product innovations as McDonald's Chicken McNuggets, he made Tyson the king of the coop. (Zellner 2004)

While Don Tyson maintained his down-home and folksy demeanor, his company was rapidly becoming a global empire while the Tyson family maintained (and maintains to the present) 80% of the voting power on the Board. The tremendous weight of the processing company, which had a monopoly over the production chain in more and more territories, re-shaped the industry in its own image in much the same way as Wal-Mart:

Tyson is now a kind of Wal-Mart of meat, seeking to control every step of production from farm to supermarket. It produces nearly one out of every four pounds of beef, chicken and pork consumed in the US. (Zellner 2004)

During the 1990s Tyson, Inc. solidified their position as the world's largest poultry producer. In 2001 when they acquired IBP, Inc. they became the largest meat processor (<http://www.tyson.com/Corporate/AboutTyson/History/Timeline.aspx>, accessed May 26, 2009). In 2008, a fully globalized Tyson invested in its third poultry joint venture in China, as well as beginning a foray into the Brazilian poultry industry (<http://www.tyson.com/Corporate/PressRoom/>, accessed on May 26, 2009). The Arkansan and other US southern territories of Tyson have also "globalized" as the

workforce has transitioned from poor whites and blacks to foreign-born personnel on the disassembly lines, many from Mexico and Central America. Twice in the last decade, Tyson has defeated major lawsuits accusing the company of knowingly hiring “illegal immigrants,” in one case an accusation of conspiracy in human trafficking and in another case a class-action suit accusing Tyson of intentionally hiring undocumented workers to depress wages and working conditions (see also Riffel 2008). Yet throughout the process of bringing neoliberal ‘flexibility’ into their operations through global expansion and recruitment of migrants, Tyson has continued to promote the image of a lone man and his “battered pick-up truck” making good with his brilliant ideas and willingness to risk the nickel in his pocket.

These tales of poor Ozark farmers, struggling with poverty just like their neighbors, who succeed on the basis of astute entrepreneurship in the free market, have deeply influenced Arkansan cosmologies of identity, work, consumerism and moral value. These narratives also resonate strongly with some migrants who link these stories to idealistic notions of the “American Dream.” Migrants’ deployment of these stories differs from the native-born, however, as in some cases migrants see themselves as structurally excluded from the possibility of such success. While some describe the tales as inspirational and demonstrating the opportunities available to hard workers, others use them to point out the failures of poor US citizens to achieve:

Have you ever heard of Ray Kroch? He’s another one, like that Sam Wal-Mart [*sic*], he came up with the McDonald’s restaurants. He wasn’t rich to begin with either. And Don Tyson, he was just a farmer. This really is a land of opportunity where you can achieve great success with hard work. That’s why I don’t understand these *Americanos* around here that are still working at the poultry plants. They could do anything, because they have papers. They could be anything! But I think they don’t want to work. (“Magdalena” June 9, 2007)

From the local vantage point, the circulating tales of Walton and his store promoted a semiotics of success through merit and moral worth, producing optimism

around the idea that almost anyone could become wealthy. In Arkansan cosmologies, the very presence of a Wal-Mart Supercenter in one's hometown is a coveted sign of success, and in Danville both Latinos and whites longed for a Wal-Mart closer than the Supercenter located in Dardanelle on the northern edge of the county.¹¹ The mythologizing of Horatio Alger-style upward mobility and luxury consumption, the material dependency of rural communities on a few powerful companies, as well as techniques of showy corporate citizenship have produced a strong identification of Arkansans with their corporate neighbors. The faith in big-business capitalism continued even after the local real estate bubble burst in fall of 2006. Luxury housing developments stood abandoned in mid-construction, and bottom-tier workers in the construction industry, many of them Latino immigrants, faced an epidemic of wage theft as they remained unpaid for work completed on abandoned projects. The subcontractors who managed these work crews also saw enormous losses with the flight of major developers. This was only a harbinger of the decline to come and by the time I moved away from Arkansas in August of 2008, the Ozark-Ouachita region of Arkansas, like the country as a whole, was on the precipice of a major recession. By January of 2009, Petit Jean Poultry in Danville lost its Tyson contract and shut down operations, leaving 600 workers without a paycheck and devastating the town.

Even during the height of growth, however, behind this model landscape of euphoric neoliberal triumph all was not well in Wal-Mart territory. Even the Wall Street Journal acknowledged that the economic success story of northwest Arkansas was an "uneven boom" that produced opportunities for professional and menial labor, but few for middle-class jobs (Dunham and Stringer 2005). The article explained that many newly-created jobs were going to new arrivals, either Latin American

¹¹ The Dardanelle Wal-Mart is the place most frequently cited by informants as a space of encounter between migrants and other community members, more than church, school, work, or home (see also Striffler 2005: 143-144).

immigrants in the case of menial labor or out-of-state urban professionals on the other end of the spectrum, creating a spectacle of growth through conspicuous consumption:

... the cities of Rogers and Bentonville are bustling with construction of gated communities. On a recently built stretch of Interstate 540, Cadillac Escalades and three-ton Hummers whiz past cow pastures on the way to a new Starbucks, office buildings and an airport with nonstop flights to Los Angeles and New York. (Dunham and Stringer 2005)

Those who work as manual laborers in Wal-Mart's understaffed warehouses are not only paid very low wages, but also regularly expected to clean and perform other work preparation tasks "off the clock." In 2002 a major class-action lawsuit was brought against Wal-Mart on the basis that these practices were not isolated incidents, but systematic practices fostered by Wal-Mart's policy of understaffing crews and pressuring managers to maintain stores without paying overtime to anyone (Greenhouse 2002). Those working at corporate headquarters complained that Wal-Mart's approach to worker management differed little between the stores, warehouses, and professional offices. Salaried professionals had relatively low pay and few benefits, and were expected to work well over 40 hours in a week. They were also expected to participate in bureaucratic cover-ups of Wal-Mart's frequent violations of wage and hour laws as well as their aggressive union-busting. Professional workers must mediate dissatisfaction with the realities of the "flexible capitalism" of Wal-Mart's labor management strategies, and the public relations image that the corporation promotes by evoking ethos of family, community, and small-town trust, and increasingly notions of cosmopolitanism and diversity.

At an "inclusion and diversity" event held at Tyson's corporate headquarters in February of 2007, Tyson representatives brought together professionals and leaders from community organizations to convince us that Tyson was at the vanguard of promoting "diversity" primarily through their faith-friendly initiative. Marked by the

slogan “one person, one team, one goal,”¹² the discourse at this event was highly individualist, emphasizing the uniqueness of each person rather than the existence of distinct marked social groups. However, the keynote speaker, Reverend Doctor Sir Walter Mack, Jr., spoke strongly in favor of personal charity towards immigrants:

God is forcing us to get together. Immigrants are here, in our path... stop seeing it as someone illegal who has taken advantage of the system and see it as a God-given opportunity to help other people through their transition.

He gave examples of ways that “one person” on the Tyson team could help an individual migrant, reaching out through a sense of ethical obligation, thus contributing to the creation of “one team.” This event, complete with prayer and contemporary Christian rock, evoked the value of Christianity in support of a neighborly, charity-based approach to the radical demographic shifts brought by Tyson’s shifting labor market regimes. In a similar fashion during the 2008 Wal-Mart stockholder’s meeting, a multimedia show flashing images of Wal-Mart stores around the world was accompanied by the strains of a gospel choir singing “One world... although we come from near and far... One world, it’s about you and me... working hard together.” At the end of the show, a satellite view of the Wal-Mart headquarters panned out rapidly to a view of the globe as a whole. This vision of “one world” was quickly overwhelmed by the light of the sun as the point of view thrust backwards across the solar system past Saturn and Jupiter. Gospel unity combined with the spirit of space, the final frontier, proved a compelling and powerful experience for the audience of thousands who cheered wildly at the spectacle.

Arkansas at the source: spectacles of growth, ethos of neoliberalism

The regimes of accumulation constructed by Wal-Mart and Tyson Foods, prototypes of the neoliberal corporation, are not simply a matter of technocratic or

¹² This phrasing is evocative of the US Army’s recent slogan, “An Army of One.”

economic principles, but depend upon Wal-Mart and Tyson Food's successful deployment of culturally and historically specific tropes. Ironically, it is precisely the evocation of individualism, frontier spirit, nationalist pride, hard work and small-town Americana that enabled the companies to carry on busting unions, outsourcing production through global circuits, and driving locally-owned businesses out of rural and small town markets. It is precisely the deployment of faith-based and Judeo-Christian images of unity and charitable brotherhood, as well as more contemporary discourses of "diversity," that have enabled the companies to navigate the contradictory terrain of imperial expansion and the exploitation of global labor markets.

It is no accident that Wal-Mart and Tyson, two "home-grown" companies that grew from the cultural soil of northwest Arkansas, were so successful on the global stage of neoliberalism's rise. The major political leaders who shaped neoliberal policies also came from the terrain of the West and South, including Barry Goldwater, Ronald Reagan, Jimmy Carter, and Bill Clinton (MacLean 2008: 22). Nancy MacLean argues that regimes of neoliberal value have strong historical ties to the region, both in terms of the leadership of particular political actors and in terms of the re-emergence of particular ethos of freedom espoused by antebellum elites:

Odd as it may sound, nineteenth-century southern planters were America's original neoliberals. True, they trafficked in human beings and disdained civil liberties. But today's so-called neoliberals... can hardly be described as concerned about fair treatment of workers or respectful of human rights... The South's white elite both before and after the Civil War wanted low labor costs, a weak state as far as the public welfare was concerned, and, above all, open foreign markets in which to peddle its commodities. (MacLean 2008: 23)

Southern elites, like most in the country at that time, favored a philosophy and legal structure of citizenship based on ownership of private property, and depended upon a labor system built on the racialization and legal exclusion of workers. Nonetheless,

northwest Arkansas, the fertile soil that nurtured the twin giants of the neoliberal corporate world, is not a post-plantation area of the South. It is an odd border zone between the South and West, too far west from the Delta to profit from cotton, too mountainous to grow grains. For much of its recorded history the area has been a site of economic marginalization and struggle. Many of the migrant ancestors of today's white residents came from Tennessee and the Carolinas, and the region was part of the Confederacy, but residents often saw themselves as the less fortunate mountain cousins of the South's landowning elites. It is in this context that the pick-up truck charms of Sam Walton and John Tyson add a sense of populist legitimacy to the revival of these repressive and racialized forms of labor management that resonate with an antebellum ethos.

The euphoria over spectacles of growth and development in Arkansas was a microcosm of—and a catalyst for—the global giddiness during the 1990s regarding the supposed success of neoliberal globalization and the dominance of the United States as sole superpower on a world stage. Markets were opening, US corporate profits were soaring, and the anti-regulation, antiprotectionist rhetoric of neoliberal theory and culture had come to be the hegemonic “common sense” of financial institutions like the World Bank and the International Monetary Fund. Welfare reform in the United States rolled back social benefits and economic rights for the poor (in part by re-classifying many legal immigrants as ineligible for social programs), another shift towards neoliberal policy clothed in moral rhetorics of rugged individualism and responsibility.

While global financial leaders blithely enforce neoliberal reforms on so-called developing nations, the “developed” nations of the world pursue policies that often strayed quite far from the theoretical ideals of neoliberalism. While the United States continues to subsidize agriculture, El Salvador has reduced trade barriers, privatized,

and eliminated protections for the agricultural sector. More than any other Latin American country over the past twenty years, El Salvador has come to signify the emergence of the neoliberal hemispheric order—like Arkansas, it has quietly taken its place at the center of the vexed geographies of neoliberal regimes.

Outsourced and dollarized: the neoliberal turn in El Salvador

The Viceministry for Salvadorans Abroad, a subsection of El Salvador's Ministry of Foreign Affairs, is a growing bureaucratic entity charged with advocacy and oversight regarding issues facing Salvadorans who have emigrated out of the national territory. From its founding in 2004 to the present, the Viceministry has been housed in various government buildings, but the staff recently moved to a beautiful newly built complex tucked on the outskirts of town, off a lonely access road. The entrance is gated and secured, of course, and once inside the complex the immense mirrored walls of the buildings project inscrutability. The importance of the Viceministry has grown with the increasing dependency on remittances, as more and more of the Salvadoran population lives and works abroad—many of these primary wage-earners for their families who may still reside in El Salvador. Professional public servants in business attire walk the paths between the mirrored halls of the Viceministry, along with humbler folks carrying boxes or pushing carts with cleaning equipment. These workers, the janitors, food service, and general labor for the government facilities, all wear pleasant light blue uniforms with a corporate logo embossed on the left breast pocket—at first, I expected this to be the national seal, or some other mark of the nation-state, but the logo contained only one word: “OutSource.” In El Salvador today, the markers and tropes of neoliberal production practices have acquired great social value and prestige, an almost magical efficacy. As in Arkansas, the social meanings of neoliberal value have as much to do with

neoliberalism's success as the economic policies and business practices that are more commonly seen as central to transformations in production systems.

It is important to recall, however, that the triumph of neoliberalism in El Salvador is also built upon particularly violent foundations of repression and class subordination. El Salvador is one of the many Latin American nations pressured by the United States as hemispheric superpower and by international financial institutions to pursue a strict neoliberal path. Over the past 20 years, the office of the presidency in El Salvador has served as advocate for the neoliberal turn in Latin America, and the nation's policies exemplified free market reforms in the region. Yet the party that held executive power from 1989 to 2009, and has come to be seen as the face of neoliberalism in Central America, has an intimate relationship to histories of state repression including the systematic use of torture, extrajudicial killings, and "disappearances." ARENA, or the Republican Nationalist Alliance party, was founded in 1981 by retired military man Roberto D'Aubuisson primarily to oppose reformist elements in the military that at the time wished to move away from strict military dictatorship towards civilian democratic governance. D'Aubuisson was widely regarded to be the founder and primary organizer of the paramilitary death squads that carried out the more clandestine aspects of the campaign against social movements and insurgents; while uniformed military squadrons were in charge even of civilian massacres in rural areas, the more targeted political killings and disappearances were conducted by the death squads (Commission on the Truth for El Salvador 1993).

The ARENA party has consistently replicated the neoliberal discourse of US administrations during the last two decades. Following their election to executive office in 1989 the party quickly transformed their image internationally. Initially seen as enactors of and apologists for military and paramilitary government repression,

ARENA leaders soon became representatives of El Salvador's emerging financial and banking elites. In 1989, the same year ARENA took executive office, the public banking system was privatized and many of the country's wealthy sold their agricultural ventures (largely coffee plantations) and invested in the banks, soon becoming the premier financiers of the Central American region (Segovia 2007). The smallholder farmers and landless *campesinos* of the country, many of whom had organized or fought militarily in the 12-year civil war to achieve these land reforms, were granted loans from the newly privatized banks to finance their purchase of plots of land from the large divested plantations. Wealthy elites were thus paid the cost of their land but also reaped the benefits of the interest on the farmers' loans.

From the early 1990s, ARENA presidents sung the praises of neoliberal reforms and facilitated the growth of the *maquila* sector in El Salvador by setting up free trade zones for textile manufacturers to operate avoiding local taxes or trade tariffs. ARENA administrations privatized not only the financial sector but also electricity, telecommunications, and social security pensions in the mid to late 1990s under the "Program of Public Sector Modernization" (SAPRIN 2000). Liberalization of these services was followed by ARENA efforts to privatize water services and health care, leading to the first post-war large-scale public demonstrations in 2002-2003 against the privatizations. Fiscal policy was also liberalized—following IMF orthodoxy, the Salvadoran currency, the *colón*, was pegged to the dollar at a fixed rate starting in the early 1990s. In January of 2001 the dollar was installed as national currency, to the total surprise and great confusion of most of the country, and by 2006 very few *colones* remained in circulation. These neoliberal administrations also called for and eventually negotiated a Free Trade Agreement (CAFTA-DR) in 2004 with the United States and other Central American countries. El Salvador was cited by both Clinton and Bush as a model economy for the new neoliberal world order of free

trade, and dollarization was hailed by financial analysts as a success in El Salvador relative to its shaky results in other countries:

What sets El Salvador apart from others is how it carefully paved the way for the dollar's introduction. Starting in 1992, it implemented a series of reforms that privatized big chunks of its tiny economy, reined in the fiscal deficit, and opened the country wide to foreign trade. That cushioned the transition and explains why dollarization has worked better there than in less-disciplined countries such as Ecuador. (Business Week 2005)

Another aspect that “sets El Salvador apart” is the fact that at perhaps 30% of the population live and work abroad (UNDP 2005: 37), many of these in the United States, and remittances represent the largest source of cash coming into El Salvador's economy, reaching over 3.5 billion dollars in 2008, nearly 20% of the Gross Domestic Product (Reuters 2008).

Even prior to the CAFTA-DR treaty, the nation's agricultural policies had liberalized, exposing Salvadoran producers to competition from other Central American and Mexican farmers. Competition from Guatemalan produce was particularly devastating for *campesinos* who raised fruits and vegetables, but even basic grains were undercut and smallholder farmers began to see that the income from the sale of corn and beans in the fall would barely cover the investments required for planting and fertilizing in the spring, much less provide for their family's needs beyond basic subsistence foods. *Campesinos* have sunk further and further in debt, to the immense profit of the banks, and youth from rural areas have increasingly seen migration as the only viable option for employment. While some have found a way to remain in the country—for example, by acquiring jobs in free trade zones or international call centers—many make the difficult and dangerous choice to travel north. The results of neoliberal policy change in El Salvador are increased social inequality, decreased social mobility, and economic displacement—the same results

faced by other states that have taken the neoliberal path (Itzigsohn 2005). This situation leads some analysts to conclude that this was the project all along—that neoliberalism is not about growth at all, but a technique for dispossession and the re-assertion of class power (Harvey 2005).

The process of liberalization reached its height in 2007 when then-president Antonio Saca promoted a law that would privatize the public water infrastructure. When in July of that year a small group of opponents staged a peaceful protest at Saca's appearance in the town of Suchitoto, law enforcement arrested the protesters under the auspices of El Salvador's Anti-Terrorist Law, modeled on the US PATRIOT Act (García-Navarro 2007; Gutierrez 2007). In the new world order of pro-corporate politics, the expansion of state authority under logics of exception justifies the use of repressive force against any who would oppose either state or economic authority. The vague expansiveness and evocative fear factor associated with the term "terrorist" also helps to constitute a wide range of potential opponents as appropriate targets of state violence and detention, whether those opponents be gang members, transnational migrants, political activists, or unionizing workers. State violence against these figures not only serves the purpose of silencing or stopping their individual actions, but also creating a climate of fear in which other potential dissidents will decide to keep quiet. In this situation, the victims of state policy, those who are already suffering dispossession and displacement, also become the targets of state violence. And by a trick of narrative, those victims are framed as threatening and dangerous figures who brought the violence upon themselves.

In the meantime, those who react to their economic dispossession by migrating, at great personal risk and cost to the family, are celebrated by politicians and media alike as the new national heroes. With vivid detail, repetitive form, and absolute regularity, stories are published in *El Diario* and *La Prensa Gráfica*, *El*

Salvador's two major newspapers, that celebrate the way in which an individual migrant has achieved their goals, acquired economic success, reunited their family, and educated their children to assure their future success. These stories construct a moral economy in which values of Christian faith, family sacrifice, and work ethic will eventually result in triumph. Within these stories, the heroes' expressions of self as an appropriate ethical subject co-exist with their narratives of hardship and suffering to produce the myth of *el migrante* or *el hermano lejano*, an iconic figure to whom the state built a monument in 2001.

What choice, then, do those displaced by the new neoliberal order have? Dissension at home classifies one as "terrorist," and moving abroad to work places one in the category of "hero," shaping the aspirations of young people all over the country. The Salvadoran state mobilizes these aspirations and, increasingly, situates itself as a management entity that facilitates the migration of its population in search of open labor markets. The benefits for big companies, especially financial institutions, are clear. Not only do the remittances provide a crutch for the failure of state-provided social development, but the transnationalization of the infrastructure of family life provides all kinds of opportunities for profit:

[Migrants] use telecommunications services to relate to their families, money transfer and money order and shipping services, they demand "nostalgic" consumer products and they make investments in El Salvador (purchases of land, livestock, homes, small businesses, others). Once their stay is legalized, they use air transport to visit the country for various reasons, including cultural tourism... the US-El Salvador air traffic has diversified its routes and has multiplied by more than a factor of ten in the last fourteen years... Salvadoran banks are opening branches in the United States and together with microfinance businesses they have established alliances with international couriers... together with the expansion of these activities, the majority controlled by big businesses, there has also emerged a broad mosaic of small businesses specializing in the provision of services to the Salvadoran diaspora and their families. (UNDP 2005: 7-8)

The showcase program of the Viceministry for Salvadorans Abroad is a guest-worker project carried out in conjunction with the Canadian government. Under the auspices of the program, the Salvadoran state, via a collaborative effort between the Ministry of Work and the Viceministry for Salvadorans Abroad, serves as a kind of temporary placement agency for Canadian companies, mostly meat-packing plants and hotels. The Canadian government is part of the arrangement as well, setting certain requirements for Temporary Foreign Workers (TFWs) that companies would not necessarily prioritize, such as English language skills and a high school education, and facilitating temporary work visas tied to two years of employment in a particular company. In many ways this program contrasts sharply with the process of movement between El Salvador and Arkansas. All steps of the migration process are conducted within the purview of state authorities from multiple governments. Crucially, the company itself is also involved in the process and conceives of the labor as another objectified resource in the production chain. Maple Leaf Foods refers to their recruiting of TFWs on their website as “importing” workers, overtly naming workers’ bodies as objects of commerce.

By contrast, migration to Arkansas is a clandestine process for most of my interviewees. Most were not directly recruited by the businesses they work for; the poultry processing plants are actively eluding state scrutiny of their workforce, and certainly do not announce “importation” of foreign workers on their website. On the other hand, the dynamics of industrial change and labor demands are quite similar in meatpacking plants in Canada and poultry processing in Arkansas. A deficit of local workers (or a deficit of local workers willing to put their bodies through the labor conditions in the plants) has motivated these companies to seek out foreign-born workers. This program, a state-sanctioned exportation of working bodies, was held up

to me repeatedly as an ideal arrangement that the Viceministry, vanguard of the neoliberal state, hopes to build upon and expand.

In May of 2008, I had the opportunity to observe as a number of prospective migrants interviewed for a hotel job in Canada over Skype in the offices of the Viceministry. As I arrived, a representative from the Ministry of Work and a member of the staff from the Viceministry huddled around the computer, fussing with the cables and readying the Skype program. Very shortly, they received the call. On the screen two figures appeared, a white woman who introduced herself as the human resources director of the hotel and a younger Salvadoran woman, Carmelita, who had been sent through the same program six months before. The two government functionaries were elated when they recognized Carmelita, and they greeted her ecstatically upon discovering she had been promoted to an interpreter position.

“Congratulations! Felicidades!” said the older man from the Viceministry, leaning down towards the microphone, “eres una embajadora, you are our ambassador.” The Canadian woman's face looked a bit taken aback. “They are our ambassadors in their jobs,” the diplomat quickly explained, smiling profusely.

“OK... yes,” said the white woman a bit awkwardly, seeming at a loss.

Territorial expansion: Wal-Mart's foreign interventions close the circle

Wal-Mart's global empire had its origins in a small five and dime store in Bentonville, and in 1990 the company restored the storefront to its original glory and opened the space to the public as a visitor's center and museum. Of course, this is precisely the kind of small downtown business that many have accused Wal-Mart of systematically driving out of small towns across the country. Like the moral story of Sam Walton's grassroots entrepreneurial spirit that the corporation celebrates but no longer embodies, the Wal-Mart corporation celebrates as a valued relic the form of

commerce that it had a crucial hand in crushing. Within the Museum, nostalgic images of products and small-town storefronts abound, but the center makes no apologies for the company's acquisitive tendencies. The front exhibit at the Wal-Mart Visitor's Center and Museum showcases a series of maps entitled "Wal-Mart Territory." The maps illustrate the extent of Wal-Mart's geographic coverage over the course of time, beginning with the regional chain of 1945-1970 and proceeding to fill the United States (see Figure 3).



Figure 3. Images of Wal-Mart Territory from the Wal-Mart Visitor's Center and Museum, located inside Sam Walton's original 5 & 10 store in downtown Bentonville, Arkansas. The maps did not update Wal-Mart's acquisitions to include the international outlets, but a separate exhibit presented artifacts and materials on Wal-Mart International, with a particular focus on Wal-Mart Mexico.

Compared to the approximately 1200 stores that Wal-Mart had in the United States at the end of the 1980s, the current number of Wal-Mart stores worldwide approaches 7,500 and their “territory” has expanded through Mexico, Puerto Rico, Canada, Brazil, Argentina, China, United Kingdom, Japan, Honduras, Nicaragua, Guatemala, Costa Rica, El Salvador, and India. Out of Wal-Mart’s current 7,326 stores, almost half- 3,659 to be exact- are located out of the United States and all of these were acquired during the Golden Age of neoliberalism’s rise, from 1990 to the present (see Figure 4).

Market	Retail Units	Date of Entry
Mexico	1,221	November 1991
Puerto Rico	56	August 1992
Canada	312	November 1994
Brazil	346	May 1995
Argentina	28	August 1995
China	249	August 1996
United Kingdom	360	July 1999
Japan	371	March 2002
Costa Rica	166	September 2005
El Salvador	75	September 2005
Guatemala	161	September 2005
Honduras	51	September 2005
Nicaragua	54	September 2005
Chile	209	January 2009

Figure 4. Wal-Mart’s international retail units, through acquisition or construction. Data from www.Wal-Mart.com, accessed on May 26, 2009

Since opening their first store abroad in Mexico in 1991, Wal-Mart International has grown rapidly. Mexican Wal-Marts account for about one-third of that total, while 75 of the stores are located in El Salvador and 432 others in Central America. In late 2005, Wal-Mart acquired a controlling interest in a company called Central American Retail Holding Company, which ran a number of regional retail chains including La Despensa de Don Juan, one of El Salvador’s most prominent grocery store companies. In March 2006, the name was changed to Wal-Mart Centroamerica (El Salvador Fact

Sheet, online at <http://Wal-Martstores.com/FactsNews/FactSheets/>, accessed May 26, 2009). When I traveled to El Salvador in 2008, the facades of the Despensa de Don Juan stores had not been changed to the Wal-Mart logo, but the towels and other goods on the shelves inside were Wal-Mart's brand. Some say that Wal-Mart hesitates to rebrand the storefronts for fear that anti-imperialist sentiment will reduce sales, but as a colleague of mine suggested, it may be more likely to increase success "*porque somos muy Malinchistas*" (Elsa Ramos, personal communication, May 5, 2008). This phrase compares Salvadorans to La Malinche, the indigenous interpreter and sexual partner of Hernan Cortes, implying that Salvadorans tend to love and collaborate with those who come to conquer them. Regardless of the reaction of Salvadorans in the homeland, those I spoke with in Arkansas appreciated the irony and humor of Wal-Mart's migration southward. Many shook their heads in wonder at this uncanny twist of the new world order.

At a birthday party in July of 2007, I first met Rubén Aguilar, one of the pioneers of the Salvadoran community in Yell County. Having just learned about the Wal-Mart acquisition of the Despensa de Don Juan, I mentioned it to him. He hadn't heard that, but he had noticed the last time he was in El Salvador that the Despensa was selling Tyson chicken products:

They have the Tyson Chicken Nuggets now in their frozen foods. We *guanacos* have been here a long time in Arkansas cutting up chicken for Tyson, imagine now some of that chicken goes back to El Salvador [laughs]. My roommate can't go back to El Salvador—he has the TPS—and he hasn't seen his family in 14 years, *pobrecito*, but the chicken can go there. ("Rubén" July 7, 2007)

Translocal circuits, global values

The geography traced in this chapter of the globalization that inextricably links El Salvador and Arkansas—both in terms of material processes of retail exchange,

production and migration *and* in terms of the circulation and transformation of cultural forms and ideologies of neoliberalism—is not a particularly novel one. A number of macro-theories of globalization outline very similar arguments, usually in terms of political economy but sometimes contextualizing as well the more amorphous processes of discourse and ideology that also play a role in the reproduction of these transnational regimes of production. The tradition of anthropology reminds us, however, that large-scale forces such as the restructuring of production and consumption under late capitalist conditions must always be experienced—and reproduced—by particular people living everyday encounters at specific sites. In other words, “no matter the scale, global economies must still function in local landscapes” (Valle and Torres 1998: 258). Much has been made of the emerging cosmopolitanism and global mobility of the current “global culture,” yet those who are most firmly embedded in globalized production systems may not experience the current moment as one of liberation or mobility at all. In fact, many experience contemporary global restructuring as a process that alternately uproots and displaces them, and then subjects them to profound immobility and enclosure. In the next chapter, we return to the concepts of “illegality” and disappearance to examine more closely the mediating role of legal erasures in the particular neoliberal geography of Yell County, Arkansas.

CHAPTER 6
ALIENATION
LEGALITY, RACIALIZATION AND THE DISAPPEARED WORKER

...those humans not embraced in the body of the nation,
those cast adrift on the currents of the new world order.
Jean and John Comaroff “Naturing the Nation” p. 147

*Que raro como nos llaman—“aliens”—
como si venimos de otra planeta.*¹³
- “Julieta” February 18, 2007

The day after my arrival in Yell County, I was walking down the street when a police officer stopped me. He asked with a tone suspended between friendliness and suspicion what I was doing in town. When I explained my research briefly, he commented that I might find it difficult to speak with many Latino migrants—“Most of them,” he said, “probably shouldn’t even be here.” Indeed, according to the US Census, many of them *aren’t* there. Undocumented immigrants are frequently undercounted in the Census due to fear on the part of migrants that giving personal information to a government functionary will expose their presence to Immigration and Customs Enforcement. The presence of a few thousand undocumented migrants in Yell County is an open secret, a collective fiction—something that everyone knows, but cannot be officially acknowledged. It is this kind of contemporaneous absence and presence that is the hallmark of “illegality.”

De Genova calls for ethnographic research on “illegality” itself as a socio-legal condition, rather than studies of undocumented migrants as “illegal aliens” (2002: 423, see also Coutin 2000, 2003). This approach would bridge the gap between state-focused research on shifting state institutions and policies (see Levitt and de la Dehesa

¹³ “How strange what they call us—‘aliens’—as though we come from another planet.”

2003) and the bulk of ethnographic work on transnational migration which either ignores the nation-state or frames it as a “context” with which migrants then cope (see Portes 1996, Glick Schiller and Fouron 1998). States are actively managing migration, but the ways they do so are often opaque. State interests in international migration, especially in the contemporary new world order of neoliberal hegemony, have everything to do with economically powerful interests and far less to do with human well-being, and so the neoliberal state actively obscures its role in migration.

In its production of “illegality,” the disappearing act of the state is two-fold. At one level, state discourse constructs various levels of temporariness or illegality around migrants, contributing to the social circulation and elaboration of racialized images of security threat. The impact of this is to dehumanize and disappear the migrants as legitimate rights-bearing subjects, evoking a mobile “state of exception” (Agamben 2005) around the body of the migrant. Companies are then relatively free to violate labor and safety standards, treating migrants’ working bodies as disposable resources. State authorities are also able at various moments to inflict their monopoly of force on the body of the migrant in a spectacle of authority that reinforces discipline through fear. The state of exception produced by “illegality” is not a simple absence, not a lacuna, but an eclipse. The status of “illegality” not only creates legal slippage and social invisibility around the working subject, facilitating employers’ exploitation and mistreatment of their workers, but also infuses the very subjectivities and identities of workers. Unfortunately a status as “temporary” rather than “illegal” produces many of the same effects.

Migrants are not simply left out of rights provisions, or removed from the jurisdiction of a rule of law, but *constituted by law and the social elaboration of “illegality” as subjects unworthy of rights*. While corporations such as Wal-Mart, for example, are defined as legal persons who must be afforded due process rights,

judicial commentary on the Fourteenth Amendment, which prohibits states from denying persons equal protection under the law, has ambiguous precedents regarding the personhood of “aliens.” Because there are many distinctions made by category *within the law*, this is a complex and ambiguous principle. Certain classifications, such as race, gender, and national origin, have been singled out as problematic, and in these cases legal discrimination is held under strict scrutiny. Alienage, however, is not one of these protected classes. In some cases, the foreign-born have been afforded equal protection under the law; in other cases explicitly differential treatment based on legal status has been upheld (see Constitution of the United States, 2002 Edition with Analysis and Interpretation at www.gpoaccess.gov). Because “illegal aliens” are defined by legal structures as people out of place, they must hide themselves or face the dehumanizing consequences. Because being where they are is criminalized, it is at precisely the moment that migrants appear as social and visible persons that their protection under rule of law is eclipsed.

At another level, state discourse disappears its own role in creating illegality. While undocumented migration and the figure of the “illegal alien” are productions of state discourse and legal structures, responsibility is discursively displaced onto migrants themselves. Mae Ngai in her 2005 book *Impossible Subjects* traces the historical trajectory and legal elaboration of “illegal alien” subjects, and a number of legal scholars assert that immigration policy and practice in the United States has included a *de facto* tolerance, even invitation of large-scale undocumented immigration (Motomura 2008).

Immigration policy allows the state to preserve its rhetoric of equality under the law while producing subordinate classes, what Hiroshi Motomura calls “twilight statuses” (2008: 2048) that range from undocumented status to individual stays of deportation to temporary work permit programs. Courts have long recognized that

federal immigration policy is ambiguous and discretionary, not straightforward and self-fulfilling. The fact that non-citizen children are statistically unlikely to ever be deported by federal authorities figured prominently in a crucial Supreme Court decision, *Plyler vs. Doe*, which established a precedent for non-citizen rights in 1982 by asserting that the state of Texas was obligated to provide access to public education for undocumented children.

Legal precedent and ambiguous rights

Since the *Plyler* decision, various legal scholars have asserted, and courts have at times concurred, that the tacit allowance of unlawful presence is *part of* federal immigration policy and not a violation thereof. In other words, dovetailing with Mae Ngai's historical reading of "impossible subjects"—those immigrants not permitted a path to citizenship—as central to the American project, these perspectives argue that "illegality," and the presence of a significant population defined as "illegal aliens," is produced by the state intentionally. It is not, as popular discourse would have it, an exception to the state's order, imposed by lawless or criminal migrants themselves, but a crucial part of the state's political-economic strategy. The production of migrant illegality and the tacit allowance of an undocumented population of denizens entails many benefits for the state in a neoliberal moment. As Motomura argues:

The hallmark of enforcement against Mexican immigrants was discretion that reflected the needs of employers, who often preferred to hire Mexican workers with temporary legal status or no legal status at all. They were a flexible, disposable workforce, ready to work when needed, but more easily sent home when they were not. Heavily influenced by a variety of racial perceptions that cast Mexicans as a subordinate, expendable, and nonassimilable labor force, economically driven fluctuations gave rise to a de facto policy of discretionary enforcement that continues today. (Motomura 2008)

Since the historical period of discretionary enforcement Motomura describes, the tacit allowance of undocumented presence has continued while enforcement of labor rights for these same immigrants has eroded through legislative changes as well as judicial precedent. In 1986, the Immigration Reform and Control Act criminalized the laboring activities of undocumented persons and required employers to examine immigration documents upon hire to determine legal status. This shift in policy re-framed migrants' work activities as illegal practices, leading in time to a series of court decisions that refuse equal protection and legal remedy to undocumented workers. These reduced rights imply a neoliberalization of rights regimes.

In the 2002 case of *Hoffman Plastics Inc. vs. the National Labor Relations Board*, for example, the Supreme Court found that a worker fired due to his union-organizing activities was not entitled to either re-instatement or back pay due to his dismissal. Arguing that legal remedies awarded to the plaintiff would constitute an incentive for illegal immigration, the *Hoffman* court based their decision to institutionalize a subordinate worker class on the absurd proposal that Latin American emigrants would calculate the probability of receiving compensation due to labor rights violations in their decision to migrate (Cunningham-Parmeter 2009: 28). Following on the *Hoffman* case, local courts have begun to cite that precedent to justify unequal remedies—or no remedies at all—for undocumented workers. Even without the formal legal production of inequality, a suppression of labor rights for migrants is inevitable because “...even when the state recognizes the rights of unauthorized workers, the threat of deportation will always prevent a great many immigrants from exercising these formal rights” (Cunningham-Parmeter 2009).

The analysis of legal scholars claiming that the state tacitly permits undocumented immigration, a process facilitating labor management and contributing to capitalist profits, is diametrically opposed to the mainstream perception of

“illegality” in the United States today. The characterization of migrants as choosing to become “illegal,” and in many cases as innately criminal, is supported by geo-political imaginaries privileging bounded territoriality, racialized definitions of national belonging, and ideologies of free choice in movement. These imaginaries emerge from nationalist ideologies which structure notions of belonging and exclusion for many in the United States, and which often frame all immigrants and all Latinos, not just “illegals,” as people out of their proper place.

Legal status and racialization

As migrants are widely seen as the authors of their own “illegality” within political, media and lay discourse, the concept of the “illegal alien,” a technical term in a complex legal framework, explodes into social worlds and becomes embedded in elaborate narratives of threat and transgression that intersect with racism and reactionary politics. The “Latino threat narrative” as described by Leo Chávez entails widely circulating notions that Latinos pose a threat to the cultural heritage and physical security of US citizens, through supposed resistance to Americanization, inappropriately high fertility rates, and a plot to retake “Aztlán,” the territory of the US southwest, and return it to Mexican governance (Chávez 2008). These notions, argues Chávez, produce a “common sense” that frame Latinos, even US-born Latinos, as unsuitable subjects for the possession and exercise of US citizenship as legal legitimacy, rights, and political enfranchisement. In addition to the aspects described in *The Latino Threat*, I would add that circulating notions of the “illegal alien” involve contradictory assertions that this figure threatens native-born workers’ jobs and wages, while also claiming that the “illegal” is a social parasite who drains public services and lives off the state. Oversexed and potentially violent, simultaneously too industrious and too lazy, the demonization of the “illegal alien” has a historical

continuity with depictions of African-Americans, particularly in the post-Reconstruction south (Moneyhon 1997).

Anti-immigrant discourse often uses metaphors of illness or invasion, suggesting that undocumented immigrants, or “illegal aliens” in the parlance of many of these sources, are a “plague” on the country. The meanings of infection are phrased in diverse ways, but some suggest that cultural difference itself is a source of dis-ease: “with new ethnic groups introduced to our country comes new religions, new morals and values, and don’t forget new crimes and new gangs” (Neel 2008). A problematic legal status is conflated with cultural difference, which is in turn conflated with criminality. Others conceive of the migrant as a social “parasite,” such as in the following:

...the only way to get rid of the illegal cockroaches from Mexico is to quit feeding those no accounts. They have no rights in this country. They shouldn’t even be here. I am sick and tired of keeping them up. (“Renae” 2008)

Here it is important to note that the accusation of dependency is central to a discourse in which the migrant is framed as “having no rights” and as a body out of place. The use of animal imagery is common in anti-immigrant comments, as in the following post:

All illegal aliens are like RATS, they slither into this country breaking the law every single day they are here. I have 0 simpathy [sic] for this law breaker, he deserves just one option, permenent [sic] removal from the USA with 0 chance to come back. Storys [sic] like this make me sick, I know of no American including my own mother who would ever want deportation stopped or feel bad for these rats. llegal aliens are turning the USA into a third word slum. The last thing I have ever been in my life time is a racist, but the way illegal alien mexicans are being shoved down the throat of Americans has turned me fully against anybody claiming to be mexican or (GAG)hispanic. (“Dave” 2009)

The criminalization and dehumanization of migrants takes place within the broader context of other policy movements that have, with some success, sought to redefine

questions of racial justice into issues of poverty and criminality and thus constitute non-whites as embodiments of “social problems” and thus appropriate objects for state intervention (see Weaver 2007). Communities of color are cast as suspicious figures and appropriate targets for the force of law, through campaigns that wed militarized media representation to policy and enforcement such as the “War on Crime,” the “War on Terror,” and Immigration and Customs Enforcement’s “Fugitive Operations” campaign. Action against “aliens” or Others can be a powerful mechanism by which the state creates public displays of power and efficacy, a performance of sovereignty (Comaroff and Comaroff 2005: 144). The public representation of these campaigns both draws on and contributes to white fears regarding demographic shifts and reproduces false notions of the inherent criminality of those defined as non-white:

Illegal aliens are criminals and parasites, one and all. Their very presence here and practically everything they do on U. S. soil is illegal. They need to be ferreted out, rounded up like cattle, punished for their numerous crimes, then booted back to whence they snuck in from with such extreme prejudice that they will never, ever think of violating our sovereignty again. Enough is enough. (“Baja Rat” 2009)

This particular invective has proliferated on the web: a Google search found that it was posted, word-for-word, on over 600 sites as of May 2009, under various usernames including “Baja Rat” and “Aztlán Buster.” Replication of these images of threat contribute to a climate of fear and racialization. Latin Americans and Latinos living in the United States are constituted as a “race,” and in many locations belonging in that “race” is conflated with illegitimate presence regardless of legal status.

One Arkansas state representative, in an informal conversation following his appearance on a televised panel regarding the implications of immigration for the state, admitted quite freely that legal status was unimportant to him, that “the real problem is the Hispanics” (Jim Miranda, personal communication, January 30, 2008).

In a recent video interview posted on his blog, a former anti-immigrant activist leader confesses “I had gotten to the point where I would see a Hispanic and I would think, ‘you’re illegal—we don’t want you’... that’s how it works, that’s how insidious this thing is... the anti-immigrant movement is just a façade for this prejudice” (Pearson 2009). In response to a former colleague from the movement who accused him of overstating the importance of race,¹⁴ Pearson insists:

...the part that race plays in ‘anti-illegal immigrant activism’ cannot actually be overstated... what I speak about in my interview is not the kind of open and blatant racism that is advocated by white supremacist groups... I speak about the kind of vile intolerance that is masked by the façade of patriotic righteousness... [and] super-inflated notions of devotion to ‘Rule of Law’ or other imaginary pedigrees of superiority. (Pearson 2009)

Popular anti-immigrant discourse such as that you hear circulating in political speeches, media accounts, and over coffee tables finds a powerful confluence with other racialized discourses of threat and alarm, and emphasizes absolute dualities of inside/outside. In this way the circulation of “illegality” through social worlds contrasts with the more subtle and so-called “race neutral” production of legality and illegality within formal legal discourse and court proceedings, but it also draws upon the generative and epistemological authority of the discourse of law. The phrase “rule of law” is arguably the most powerful rhetorical tool in restrictionist rhetoric. Of course, immigration restrictionists want to change the law just as immigration reformers do—for the anti-immigrant activists, it is only the punitive and restrictionist portions of immigration law and policy that are sacrosanct, while even currently legal pathways to residency or even guest-worker programs are seen as needing reform, and stays of deportation granted by courts or by the federal government are decried as

¹⁴ “You overstate the part that race plays in this, granted there are KKK and Stormfront members who get involved but they’re a small minority. And you ignore that there’s racism on the other side, as well, from those in the Atzlan movement who want to drive non-Mexicans out of the U.S. southwest which they maintain the U.S. stole from Mexico.” (quoted in Pearson 2009)

forms of “amnesty.” It is not therefore the structure of laws themselves, but the magic of state authority invoked by a gesture to “rule of law” that is effective for these groups.

By situating themselves repeatedly as upholders of law, and framing undocumented immigrants as criminals, nativist groups play their part in the state’s disappearance of migrants, as well as contributing more broadly to racialized nationalist imaginaries that posit a clear distinction between “legitimate” citizens—whites—and those whose citizenship is “suspect”—everyone else. Ironically, the proliferation of images of Latino invasion or threat co-exists with the simultaneous assertion that migrants are “in the shadows,” a “twilight population” and “hidden.” In this vexed dialectic, the insistence that migrants are invisible and marginalized simultaneously contributes to their hyper-visibility.¹⁵ The circulation of notions of “illegality” in popular and media discourse in some ways contradict the subtleties of immigration policy, but they also build on and further the exclusionary and disciplining functions of inequalities produced through legal discourse and practice. In this way, the elaboration of racist speech and acts around the legal category of “illegal” is a predictable consequence of federal policy, a technique allowing the state to seemingly displace its own substantive contributions to racialized hierarchies.

Even in Danville, where the issue of immigration has remained relatively quiet, local whites find the anti-immigrant discourse on “illegality” compelling. Local politicians generally espouse an immigrant-friendly public rhetoric, yet “illegality” is condemned without exception. The local state representative from Yell County, Nathan George, considers himself responsible to his immigrant constituency even if they do not vote. He supported a statewide measure to make in-state tuition at the

¹⁵ As Foucault suggests regarding sexuality in the Victorian era, there is actually an explosion of discourse and exposure around migrants, but this fact is obscured by the constant insistence within that same discourse that migrants are “in the shadows.”

University of Arkansas available to all young people who graduated high school in Arkansas, regardless of immigration status. Nonetheless, he criticized unauthorized entry, saying “We are a nation of immigrants and we must embrace immigrants—but don’t make the first thing you do when you come in the country be breaking the law” (Nathan George, personal communication February 25, 2008). The City’s Chief of Police suggested that people who were undocumented were more likely to break other laws—not because of necessity (i.e. identity fraud) but because of an inherent disrespect for the law demonstrated by their “illegality.” In the same interview, Chief Padgett recognized that legalizing was not easy:

It’d sound ignorant for me to tell you that I think all of them are here legal, cause that’s clearly not the case. So it’s like they say, “We violated a federal law to get here, why are we gonna obey city ordinances?”... but it’s tough to get legalized. And you have to ask, why are we having the illegal immigration problem here in the first place? It’s because of the employment. The jobs are there. (Rick Padgett, personal communication, March 2008)

The production of “illegality” as a socio-legal status and the circulation of anxiety and fear around the racialized figure of the “illegal alien,” is what the Comaroffs call “a new, post-racist form of racism” against those who are “not embraced in the body of the nation” (Comaroff and Comaroff 2005: 147). The state produces “illegality” and “temporariness” as legal forms and projects them upon the body of the migrant worker. These are not, as lay understanding would have it, persons whose presence is not wanted in the United States, but persons whose laboring bodies are *more useful* to state and corporate interests when their presence is criminalized and labor rights made ambiguous by the structure of law as well as the racial and social elaboration of “illegality.”

While immigration policy papers and statutes appear on their face not to be racially based, in practice the elaboration of post-racist racism around the figure of the tacitly permitted undocumented migrant is an entirely predictable result of federal

policy and practice—and a result that, not coincidentally, furthers the states’ interests in permitting the presence of a subclass of undocumented or temporary workers while diminishing state obligations to these workers as rights-bearing subjects. In a context where mere migrant presence is criminalized in the popular imagination and migrants are framed as unworthy of rights, even the most basic protections for human rights while in custody, not to speak of labor rights in the workplace, are political anathema.¹⁶ It becomes unthinkable to conceive of a worker’s rights being violated when the worker is conceptualized as having “stolen” the job they work. It becomes nearly impossible to speak of the violation of human rights when the person is conceptualized as “an illegal,” a body out of place, a body whose presence is itself a violation of the “sovereign rights” of US citizens to possess and control the national territory. State authorities, in theory responsible to protect the rights of those within their territory, are let off the hook when it comes to the undocumented people whose peculiar “illegal” presence they produce and promote. The production of social exclusion through the circulation in lay discourse of the notion of “illegality” couples with the state’s spectacular modes of detention and enforcement to achieve, not the removal of undocumented workers, but the continued reproduction of a subordinated class of racialized bodies to fuel the neoliberal economy.

Abstract theories of economic neoliberalism and free markets call for the free movement of both labor and capital. Some have argued that the territorial concerns expressed through restrictive immigration policy runs counter to the expansionist, free movement ethos of neoliberalism. Thus restrictionist immigration policy, militarization of border areas, and other such anxieties are often conceptualized as the

¹⁶ This is why the state actively promotes the circulation of anti-immigrant sentiment through the theater of raids, deportations, and national security. Through spectacular enforcement, the state both promotes racist ideologies that serve its interests and also distances itself from authorship of the “illegal problem.”

“double-bind” of the nation-state that aspires to take its place in a global neoliberal order. John and Jean Comaroff describe it this way:

In order to partake of that economy, to garner the value that it spins off, governments require at once to open up their frontiers *and* to secure them.... In this way, the state is transformed, in aspiration if not in reality, into a mega-management enterprise, a licensing authority even, for the benefit of ‘stakeholders’ who desire simultaneously to be global citizens and yet corporate subjects with shares in the commonwealth of sovereign polity. (Comaroff and Comaroff 2005: 129)

The neoliberal state behaves more and more like a corporation, adopting language and techniques developed in the sector of private capital. Here, the presence of “illegality” is conceptualized as a failure or breakdown of this ideal management role of the neoliberal state. Nonetheless, the creation of “illegality” as a sphere of exception has a function within neoliberal systems of production. The status of “illegality” not only creates legal slippage and social invisibility around the working subject, facilitating employers’ exploitation and mistreatment of their workers not only through ambiguous rights regimes but also by impacting the very subjectivities of workers. Restrictive immigration law is therefore often conceptualized as an *exception* to neoliberalization, but it can also be seen as fulfilling a profoundly neoliberal logic and serving the interests of flexible systems of capital accumulation. In spite of the rhetoric of freedom accompanying political arguments for neoliberal reforms, state and corporate entities regularly immobilize and displace workers through the production of legal structures and racialized social hierarchies. Rather than increasing freedoms for workers, these immobilizations and displacements become a crucial mechanism underlying the subordination of workers and reinforcing managerial power within these regimes of production. In this way, state policy intervenes in and regulates market processes under the guise of immigration policy.

Work and “illegality”

One afternoon in May of 2007, I walked into Elena’s living room. Graciela, her niece, was sitting on the couch under the window, and César, Graciela’s husband, lay on the facing couch with his foot propped up on the armrest. The ankle was swollen and purple, and Elena was massaging a cream into his foot while affectionately teasing César as he winced in pain. “Every time I see you, you’re *más jodido*, more screwed up than before!” Elena exclaimed, and laughed. I asked if he’s been injured at the plant, and he responded, “Of course.” “This is nothing,” said Elena, “just a little twisted ankle. You should see his fingers!”

At Elena’s prompting, he unwrapped the gauze around his splinted fingers. Though the injury was from September, he was still unable to use his hand fully. “They are paying my medical expenses,” he said when I asked, “but they won’t give me the records, the accident report, copies of the medical reports, nothing. I keep asking but they don’t give them to me.” Without the reports, he’s not sure that he can prove the plant’s responsibility to him should they decide to stop paying for care, or fire him. “I’m not a fool, I have analyzed the situation,” he said. Elena made some sweet coffee while he recounted the story of the accident:

I was working the night shift, sanitation, and I was reaching underneath the heavy metal platform when it fell on my hand. I couldn’t move it, it hurt so much, and couldn’t take the glove off because it was a big mess with my hand. I sat there on the floor and called the supervisor over; he said to keep working if I didn’t want to lose my job. I asked to go to the infirmary even though they don’t have a nurse there at night ever. He just yelled at me to keep working, while my hand was bleeding and I couldn’t move my fingers. Not even in the [Salvadoran] Army was I treated so badly! (“César” May 6, 2007)

In her book *On the Line at Subaru-Isuzu* Laurie Graham describes the intentional inculcation of corporate loyalty and values of efficiency and productivity into workers in an automotive factory. No such overt ideological campaign intrudes into worker’s lives in the context of Arkansas’ poultry plants. Nonetheless, workers

are kept in line, in large part through the heightened anxieties, sense of clandestinity, and climate of fear created around “illegality.” Injured workers are regularly fired, and companies do not fear reprisals because the tenuous or nonexistent legal status of workers makes them hesitant to get involved in rights claims or legal battles:

Here, when a person gets hurt at work they have to keep working if they possibly can, even with only one hand, and they don’t ever send them to the doctor. One boy broke his hand and they didn’t want to send him to the hospital for three days! (“Roberto” February 2007)

The only Salvadoran woman I interviewed who had filed a legal claim against the company—she was fired so the plant wouldn’t have to pay her medical bills after being seriously injured in a workplace accident—was not only defeated in court, but also blacklisted in the region and found herself perpetually unemployed. She does not regret her choice, and says she knew when she decided to take legal action that her chances were slim:

They were always looking for a way to fire me, since I had made the [worker’s compensation] claim... You have to understand the situations we confront in these little towns, where there are very powerful people who are the owners of everything.... I decided to fight because it wasn’t right what they were doing to me. Many times it has happened to other people, but nobody wants to demand their rights because they are scared. I tell them there’s no reason to be scared... we undocumented have the same rights as any worker. (“Julieta” February 12, 2007)

Unfortunately, with the increasing situation of ambiguous rights for undocumented workers, even formal equality under the law is no longer the case. And naturally, rights in practice are not as extensive as the statutory rights due to the pervasive fear Julieta mentioned. Supervisors and managers do not hesitate to make direct threats if they sense that workers might resist being overworked, seek to organize, or file a claim against the company. Most interviewees who had spent at least a year in the poultry plants bore the marks of the difficult and dangerous work on their bodies:

scarred hands and forearms, chronic back problems, twisted fingers for those who used scissors, and marred skin from the heavy chemicals used in the midnight to 6 AM cleaning shift (see also GAO 2005: 21-25 on the prevalence of such injuries in the industry as a whole).

While injury and work-related physical stress and illness are a matter of course for migrants working in the poultry industry, these experiences are often as “undocumented” as some of the migrants themselves. César was unable to convince the company to provide him with copies of the accident report, which raises suspicion as to the report’s existence in the company’s files. According to Bureau of Labor Statistics data, the rate of work-related illness and injury among meat and poultry processing workers dropped significantly in the 1990s, going from 29.5 cases per 100 workers in 1992 to 14.7 in 2001 (GAO 2005: 26)). Yet at the same time, the workforce in the industry was transformed, becoming predominantly Hispanic (42% nationwide) and with a significant proportion of foreign-born noncitizen workers—26% in the workforce as a whole, and 38% of the sanitation crews (GAO 2005: 15-16). As the GAO report cautions, statistics claiming a steep reduction in workplace injuries cannot be taken at face value when the legal condition of workers contributes to underreporting, especially in the high-risk tasks of night-shift cleaning. In spite of this caution, the GAO still titled their report “Safety in the Meat and Poultry Industry, while Improving, Could be Further Strengthened.”¹⁷

Industry owners have often brought in workers who have fewer choices and more to lose—in earlier moments of industrialization, these vulnerable workers were drawn from poor rural areas close to the cities: the mill textile industry in Dalton,

¹⁷ This mild double-speak is a great improvement over the USDA’s euphemisms in a 2005 report. Describing a situation in which real wages declined for workers as line speeds increased dramatically, the report celebrates this as “labor costs per unit of output dropped dramatically” and “labor productivity advanced substantially” (Ollinger et al 2005: 23).

Georgia in the Appalachia region recruited a labor force of “impoverished rural whites” (Hernández-León and Zúñiga 2005: 245). Like the “docile” young women working in mills in the rural northeast and the rural south at the turn of the century, transnational migrant workers are cheap, vulnerable, and cut off from many sources of social support and political leverage. All of these qualities make migrants desirable workers. Having numerous workers living under conditions of “illegality,” or imminent deportation, enables employers to threaten workers (explicitly or implicitly) with the possibility of deportation at strategic moments—to respond to the threat of union organization (Fink 2003: 179), to promote worker movement into other sectors such as agricultural work (Andreas 1994: 22), and to create a climate of fear in which workers won’t report accidents, or even socialize outside of work (Rouse 1992: 36). Publicity or rumors about the possibility of such workplace raids and mass deportations are an ongoing tactic promoting worker conformity and managerial control:

It should be self-evident that employers actively recruit immigrant labor because they can pay immigrant workers less and work them harder than long-term US citizens. Legislation supposedly intended to stem immigration and prevent worker abuse serves, in practice, to terrorize workers, helping to keep them poor and subjugated. (Andreas 1994: 28).

Many poultry plant workers I spoke with swear that their supervisors know the legal status of everyone working on the line. They know “who has papers and who doesn’t.” My informal conversations with specialists with the federal forest service and human resources staff at the plants—one of whom said openly “I think most of the Mexicans working here are illegal”—suggests that administrative leadership is well aware of “illegality” both individually and system-wide. When supervisors’ knowledge is imperfect, they tend to assume that the worker is undocumented. In the fear-saturated context of the poultry plants, the use of “illegality” as a disciplining

mechanism impacts even documented immigrants as those who do speak up for their right to dignified treatment become marked as troublemakers:

People don't want to demand their rights many times because they don't have papers. And the supervisors know who has papers and who doesn't. But my cousin, who has his residency, was never afraid to demand decent treatment. One time they were reprimanding him and he complained, saying they had to treat him well, with dignity and respect. They insulted him, saying that he was an illegal and didn't deserve anything. But he told them that he had residency and had rights, and they were ashamed. But the problem is that afterwards they saw him as a problem and they watched him, looking for a chance to fire him, which in the end they did. And they can do that with anyone, with papers or without papers. ("Gerardo" March 18, 2007)

Others mentioned that fear was not the only part of their legal condition that motivated them—they also felt the obligations of dependents back in El Salvador, and the desire to bring family members to join them, as powerful forces that pushed them to work hard, seek extra shifts, and endure difficult conditions:

The work was very heavy but I struggled and I told my self that I had to endure it, I had to struggle for my children so that they could come here to be with me, so I did my shift and later when they let me I worked a double shift. It was very hard but I dreamed of bringing my children. ("Isabel" February 26, 2008)

Isabel paid a smuggler (*coyote*) to bring her first son two years after her arrival, when he had just turned 16 years old. He was separated from the group and missing in Mexico for two months, and she swore she would never bring either of her other two children in that way, *vivir ese martirio* ("live that martyrdom").

Impossible subjects, permanent exceptions

Certain sectors, including agricultural labor, meat processing, construction, landscaping, and domestic work, depend heavily on a transnational workforce conditioned by "illegality." As David Harvey observes in *The Condition of Postmodernity*:

The disciplining of labor power to the purposes of capital accumulation... is a very intricate affair. It entails, in the first instance, some mix of repression, habituation, co-optation, and cooperation, all of which have to be organized not only within the workplace, but throughout society at large. (Harvey 1989:123)

In poultry processing and forestry, the two major industries in Yell County, this disciplinary process occurs not only through the reprimands of supervisors on the line or in the woods, or the social barriers of small town life in Arkansas, or the laws banning the sale of alcohol, but also through peculiar legal forms. “Illegality” is a mechanism that provides a crucial mode of discipline for workers in specific industries by shaping their personhood far beyond the workplace.

Throughout their everyday lives, migrants live the *cultural condition* of “illegality,” a condition that is ostensibly brought on by a transgressive mobility, but ironically is frequently experienced as *immobility* and subjection. The life of the migrant is fraught with contradictions that reflect those emergent from the neoliberal capitalist order. Following a moment of illicit mobility across international borders, migrants often find themselves spatially enclosed, unable to travel back to visit family for years or decades. While migrants are often able to participate in consumer society through their labor at the center of industrial or agricultural production, their acquisition is tenuous since at any moment they may be forced to abandon material goods, home investments, and family relationships. As one informant said:

I am with an American girl, you know. But I’m illegal. She is legal. She asks me to help [with house payments], but I’m not sure. Even though I am with an American, that doesn’t guarantee me anything, because the laws are very difficult.... I can’t make a future here, since I know that something is in my way, an obstacle that doesn’t depend on me... I am here, waiting because if they take me, I will go, and if they don’t take me, here I stay. I am prepared. It’s very hard because she thinks the problem is mine, but I tell her that the problem isn’t with me, the problem is the political leaders. (“Rodrigo” September 24, 2007)

Exclusion from legal belonging can be masked by the performed normalcy that many migrants use to attempt to hide their status. They speak of an angst-filled double consciousness with two imagined futures—the contingent life built day by day in the United States, and the ever-present possibility of removal. Some retreat into silence, fearful to disclose the source of their fears, and participate in their own disappearance by avoiding public spaces and moving only between home and work. This *habitus* of “illegality,” often involving avoidance of public spaces or hesitancy to disclose one’s name or residence, often reinforces the associations of clandestinity, criminality, and shame associated with the “illegal” in the public imagination.

The migrant’s retreat from public life is accompanied by the ever-present fear of state surveillance. This disappearance of migrants, in which migrants themselves often appear to be complicit, is in the final analysis authored by the state. Although it is a legal process, the logics of criminalization diffuse, naturalize and depoliticize state action and make “illegality” appear to be the migrant’s individual, atomized “problem.” Not only does “illegality” make many everyday activities more complicated, agonistic, and vulnerable to exploitation, but anxiety over deportability implodes into the subjectivity of those defined as “illegal aliens.” This fear wreaks havoc on migrants’ family relationships as well as working lives, health and safety.

The current situation of undocumented workers as a kind of permanent “exception” proves convenient for state and corporate interests. As Benjamin reminds us in his *Theses on the Philosophy of History*, “the tradition of the oppressed teaches us that the ‘state of emergency’ in which we live is not the exception but the rule” (Benjamin 1969: 221). In other words, what is defined as “disorder” in this moment of fearful reaction to threats of “terror” or “alien invasion” is in fact an ordered part of this state of emergency, one which the oppressed must experience in their everyday lives while those more privileged are able to enjoy the fruits of the ordered disorder.

The condition of “illegality” performs a crucial disciplining role in submitting migrants to neoliberal regimes of production. The legal ambiguity of their condition conduces the disposability of their working bodies for the companies.

The condition of “illegality” produces around workers a sphere of exception from the protective aspects of the state and the social acceptance of national belonging, a space where those who exploit them can violate various standards for workplace safety, employee treatment, and human rights. Similar to *de jure* spaces of exception like free trade zones and company enclaves (see Ferguson 2005), the *de facto* space of exception of individual “illegality” puts workers in a vulnerable position and increases company control. *It is precisely the space of exception to the juridical order of rights that makes migrants foundational to the neoliberal regime of production.* The company sacrifices worker health if it conflicts with their production quotas; as Isabel said to me, “they always get the work out of people, that’s the most important thing to them, the production” (March 21, 2006). Workers, desperate to hide their legal status, maintain their income, and save money to reunite their families, are also willing to sacrifice their own well-being to the system of production. This system, far from being a uniform geography of exploitation, reshapes and differentiates places and persons in service to its logic.

CHAPTER 7
TEMPORARY LIFE
DEFERRAL OF DEPORTATION AND UNNATURAL DISASTERS

TPS is like a gift from God.
- Roy Petty, Immigration Attorney
March 2008

The TPS, the guestworker programs,
they are the perfect way to keep people in a second-class status.
This may sound harsh, but it's really like a form of slavery.
- Ana Hart, Tyson Community Outreach Coordinator
March 17, 2007

Beyond undocumented status, the purest form of “illegality,” the numerous other legal categories of non-immigrant and immigrant, along with the arcane eligibility requirements for each particular program or “benefit,” make of immigration policy an opaque mystery to most of those who are impacted by it. The technocratic murk is rarely pierced by practitioners (lawyers, notaries, and others) but rather invoked as a part of their professional magic. The undocumented person seeks out the promise of *papeles*, “papers” or legal identity documents, by appealing to these powerful beings, believing their claims, and enacting their bureaucratic rituals of paperwork. But those who acquire *papeles* in the form of a temporary work permit or even a green card often find that the elevation of status acquired by means of such artifacts is dubious at best (see Coutin 2007: 118). Some are able to acquire temporary work permits, only to find that these tie them to particular employers in relationships resembling debt peonage, or have an expiration date, upon which they may be deported, and require biometric surveillance by the state.

Practitioners of immigration law and recipients of immigration policy “benefits” often refer to the system as confusing, unfair, arcane, and labyrinthine. The complexity of the system, and the difficulty for many of finding a route to permanent residency, both contribute to a vibrant market in false identity documents. This chapter contemplates the details of an “immigration benefit” available to around 250,000 of the approximately 2 million Salvadorans living in the United States, a program called Temporary Protected Status (TPS). Whether or not TPS is a benefit is a matter of debate, as the divergent statements with which I opened this chapter suggest. While the status (usually) shields recipients from deportation¹⁸ and (usually) provides them with a legitimate work permit card,¹⁹ it also brings them into a condition of visibility and surveillance in relation to the state. The historical emergence of the program is complex, and although the initial formation of this benefit came as the result of mobilization and activism on the part of Salvadoran communities in the US, its more recent deployment has contributed to notions of American exceptionalism by reifying a relationship of charity and dependency between the United States and El Salvador.

Defined deportability: the structure of TPS

If persons living in the US are under deportation orders, they can apply for a “cancellation of removal” based on meeting certain requirements for eligibility, including good character and length of continuous stay in the US. Temporary

¹⁸ In their recent research on deportees in El Salvador, two colleagues found that at least one young man with TPS was rounded up in a workplace raid and deported to El Salvador. Throughout his detainment, he insisted that he had a work permit and refused to sign the paper giving his permission for voluntary removal. According to his testimony, five officers restrained him physically while another applied electric shock to his hands so he would unclench his fists. This officer inked his fingerprints and pressed them down on the paper (María Candelaria Navas and Elsa Ramos, personal communication, May 30, 2008).

¹⁹ Although often the renewed card will arrive long after the expiration date of the previous one.

Protected Status is like a collective “cancellation of removal.” The granting of TPS hinges on “instability” in the home country. Unlike refugee status, which hinges on an individuals' demonstration that they personally are at risk should they return to their country, TPS is a blanket form of deportation relief applying to all nationals of a particular country that is currently experiencing “turmoil or deprivation” (Wasem and Ester 2006: 2).

Under the status migrants are under deportation proceedings but cannot currently be deported. They are technically defined as non-immigrants to the US: “an alien is considered as being in, and maintaining, lawful status as a non-immigrant during the period in which the alien is registered under TPS” (§ 1254a (f) (1) – see Appendix A for the full text of the statutes). The legal statement of permission that allows the migrant worker to be in the US (and provides them with identification in the form of a work permit) also classifies this worker as a non-immigrant, and provides no path to residency or citizenship. More than permitting the existence of such migrants where they are, it censures their removal. This status has the “discursive utility of making immigrants appear to be temporary” although in practice many find a way to stay (Bailey et al 2002: 127). Frank Head, the director of Catholic Charities Immigration Services in Springdale, Arkansas, describes the status this way:

There is a status in immigration called TPS or Temporary Protected Status. First of all in immigration, we divide everything between immigrants and non-immigrants. There are ways to be in the US legally with either one of those categories. An example of a non-immigrant is a tourist. It means you are here legally for a specified amount of time but [you] are not an immigrant. There's an alphabet soup of visas that allow you to be here as a non-immigrant: A, B, C, D, J, M, N, V, all the way to Z.... One of these is a TPS. This is granted to countries that have suffered a natural disaster-- tsunami, an earthquake, a tornado, a hurricane, or some sort of man-made disaster be it war or some facsimile thereof. We allow people who are here undocumented, who come from a country where the conditions are such that to send them back would be inhumane, that Congress decrees these people are allowed to stay for a specified amount of time. While Catholic Charities applauds that the

government does this and it's a very important way of not forcing people back into intolerable situations, in practice it's an awkward system because it's always for a very short amount of time, in cases one-year breaks or two years... In terms of El Salvador that [TPS recipients] is by far the majority of the Salvadorans that are undocumented. (Frank Head, personal communication, April 14, 2008)

As Mr. Head's comment suggests, status of "temporary worker" does not necessarily remove a person from the condition of "illegality," and in fact can be understood as a subset of it. Section §1254a (f) (1) states "the alien shall *not* be considered to be permanently residing in the United States under color of law" (emphasis added). TPS is a "quasi-documented" state (Miyares et al. 2003) that allows Salvadorans to remain in the United States due to the ongoing "situation of insecurity" in El Salvador. The statutes describing the "TPS benefit" also provide for the continuous biometric surveillance of recipients as well as their eventual deportation when the program comes to an end. Section §1254a (e) of the TPS statutes states "the period of such status shall not be counted as a period of physical presence in the United States for purposes of section §1229b (a) of this title" indicating that the time that the migrant spends in the United States *does not count as residency applying towards eligibility for cancellation of removal*. Cancellation of removal, another immigration "benefit," is available to undocumented migrants who can prove at their deportation hearing that they have maintained at least ten years continuous residency in the country. This means that a migrant detained under deportation proceedings after ten years of working without any legal documents would have more legal remedies available to him, all other things being equal, than another migrant who had been working for ten years with a TPS work permit.

The TPS recognizes the legitimacy of recipients as workers, but officially effaces other aspects of their personhood. One of the requirements of the status is that recipients must "maintain continuous physical presence in the United States" (Federal

Register 2006, vol. 71 no. 115: 34639). The statutes require migrants to ask permission from the attorney general if they wish to travel out of country. They may be less mobile than their friends and colleagues with no papers; because they are registered with the Department of Homeland Security, they fear traveling in violation of their work visa and thus potentially losing the card that permits them to work legally. As one informant said to me:

I can't go back. That is, I am welcome to go back, I just have no assurance that they will let me back in the country; it would be at the discretion of the person at the point of entry. I haven't seen my parents since I came here to study journalism in 2000. When the TPS came out I was able to stay and find a job, but now I can't go back to visit. ("Mario" February 2007)

TPS recipients are prevented from fully settling in the US by the always-imminent termination of their work permits, yet prevented from returning to El Salvador by the restrictions on those permits—although perversely, the entire length of their immobilization in the country is not legally recognized as a time of residency. In many cases, the awkward and unworkable system of renewal even fails to provide migrants with the elusive *papel*, the physical document that verifies their legitimacy as workers:

The only benefit you get from this really is a work permit. A work permit is different from a green card. A green card specifies permanent residency, you can be here forever till you die you never have to do anything except renew that card. A work permit is something that says you're here for a certain amount of time, usually one year or two, and try again later, re-apply when this runs out. The catch is that the machinery for approving the reapplications is so overburdened that they are frequently—or almost always—stuck in between where the card has run out but their renewal hasn't been approved yet, caught in this limbo where nobody can prove that they are legally or not legally here, well technically there are with immigration because it's pending, but they have no permit to work. (Frank Head, personal communication, April 14, 2008)

In some cases, migrants with perfectly valid working papers are displaced from their jobs due to a backlog in processing. If they can afford to retain an attorney, a letter

from an immigration lawyer explaining the situation and providing copies of the renewal receipts may save them from dismissal. But in other cases, and especially in the past five years as employers have become increasingly fearful of running afoul of Immigration and Customs Enforcement, TPS holders are fired while their undocumented co-workers maintain their jobs. Employers are happy to accept any document that “appears on its face to be genuine,” which is the requirement that legally applies. False documents generally have no expiration date, while the work permit card carried by Salvadorans with TPS—copied by employers for their I-9 files—contains the date of expiration of the worker’s legitimate presence on its face, opening employers who continue to employ them to liability.

Nonetheless, TPS is for many an appreciated status—or a coveted one, depending on whether or not they are eligible. It provides a real legal harbor from some of the anxieties of “illegality.” It allows for legitimate work, as one informant said:

Right up until now I don’t regret [coming to the US]. I had TPS back in the 90s and until now. With that paper, you can work wherever just like you were legal. (“Graciela” July 21, 2007)

The possession of TPS allows some migrants to proceed “as if” they were legal. Many Salvadorans define TPS as a form of legalization, even though they still lack residency. As Susan Coutin notes, “the fact that immigrants often refer to work permits simply as *permisos* (permits) rather than *permisos de trabajo* (work permits) creates ambiguity regarding what the permit is for and suggests that *permisos* entitle their holders not only to work but to remain in the United States” (2000: 60). While Frank Head called TPS a form of undocumented status, another lawyer sees it as a type of legalization:

El Salvador, Honduras, & Nicaragua are lucky their nationals have TPS at the moment. If they didn't, yes a lot more of them would be being deported at the moment. Many whose asylum claims, pending after 10 years or so, are now being denied have the opportunity to change their status to TPS. That saves them from being deported. Yes, it is a political tool as the U.S. never has really acknowledged these people as the legitimate refugees that they were when fleeing from the Civil Wars. TPS is temporary, but it is a legal status. I'm sure they would rather be legal than illegal. (Mariana Collins Romero, personal communication, July 2, 2007)

This ambiguity of the meaning of TPS may be due in part to the fact that TPS was a hard-won victory for Salvadoran activists (Coutin 1998, 2000), but it is also an expression of the perplexing nature of legality in the practice of US immigration law. It highlights the dialectic between absolutist notions of legality and the subtle constructions of validity and worth entailed by law as a social process, revealing the mutability of law and the disjunctive entanglement of legal structures with historical and social realities.

Activism recast as altruism: the history of TPS

In many ways TPS status itself was a political compromise responding to the tension between the needs of refugees from Central America and the US government's unwillingness to admit the failures and abuses of their own foreign policy. By recognizing Guatemalans and Salvadorans as legitimate refugees, the state would throw into question the legitimacy of their formative financial support for the repressive Salvadoran state during the war (Mahler 1995b: 30, Gonzalez 2000: 131). Investigations by the United Nations Truth Commission after the Chapultepec Peace Accords of 1992 found that the Salvadoran state and affiliated death squads were responsible for over 80% of the human rights abuses documented during the 12-year conflict (Commission on the Truth for El Salvador: 1993). In light of the risks of return and the failure of the United States to recognize the valid asylum claims of

many Salvadorans, a powerful social movement of Salvadoran migrants and their allies during the 1980s and early 1990s pressured the state to respond to the needs of the community for legal recognition. This social movement was instrumental in spurring the original formulation of Temporary Protected Status in 1992.

Salvadoran migrants' struggles to be recognized as refugees were often not only motivated by their desire to legalize, but also the wish to raise questions about US foreign policy in Central America. The original establishment of TPS in 1991 hinged on a recognition of the difficulties of returning to Central America due to the "turmoil and insecurity" of civil war, thus serving as a kind of proxy for the refugee status the state refused to grant Salvadorans and Guatemalans.²⁰ TPS was a legal sleight-of-hand intending to mitigate the political disaster of US military intervention in Central America. TPS status in the early 1990s was only an eighteen-month program, though beneficiaries became eligible to apply for DED, Deferred Enforced Departure, when the program ended (see also Coutin 2000 on the multiple dimensions of Salvadorans' activism around legalization).

In January and February of 2001, two major earthquakes ravaged central El Salvador. Mudslides buried vast suburban areas of the capital, and during the months of tremors following many people slept outside their homes in spite of the ever-present threat of gang violence. In the aftermath of this disaster, legal activists and politicians wasted no time in seeking a special recognition for Salvadoran migrants working in the US under the Temporary Protected Status program. The Salvadoran government submitted a formal request to be considered for TPS on January 17, four days after the

²⁰ The US granting of refugee status to Central Americans in the 1980s was a highly political matter. Nicaraguans were generally accepted as refugees due to their claims to repression by a socialist government, while Salvadorans and Guatemalans, fleeing from state violence by regimes supported by the US, were denied their applications for refugee status (Gonzalez 2000: 131). As Hamilton and Stoltz Chinchilla state, "as immigrants from 'friendly' countries fighting 'communist subversion,' Salvadorans and Guatemalans could not be welcomed as refugees or entitled to asylum" (2001: 53).

first earthquake. On March 19th of the same year the Attorney General gave notice in the US Federal Register that Salvadorans in the US would again be eligible for this status, this time due to the “natural disaster” of the earthquakes rather than the “unnatural disaster” of civil war.

The repercussions of disaster are always already subject to human orchestration, and the very same communities that suffer under climactic events can seize political opportunities emerging from the aftermath. They can strategically deploy the rhetoric of victimization and exert claims to aid, asylum and support. However, these opportunities can be a double-edged sword in a world where the geographies of “disaster” and “aid” often reproduce south-north splits of privilege and subalternity. When disaster is naturalized in certain geographic spaces, the peoples associated with those national or regional zones can also be stigmatized as perpetual victims, victims whose suffering must in the last analysis be located in their “nature” as persons. Mechanisms of aid and asylum that are deployed by states also serve the interests of states, especially the donor state, first and foremost. In *The Postcolonial Politics of Development*, Ilan Kapoor argues that although aid is performed by powerful nations as a kind of benevolent gift, it is really a form of gift (2008). The “gift” of aid, whether charity, development, or the safe harbor offered by a status like TPS, is tainted by the self-interest of the giver. Rather than reducing inequalities, Kapoor argues, these relationships reinforce hierarchies between “haves” and “have-nots” and produce a sense of obligation on the part of recipients without substantively improving their situation of economic need. Aid as g(r)ift allows the giver to reinforce their sense of superiority by performing generosity and wealth, while increasing their political power through the attachment of conditions to aid—often neoliberal economic policy requirements that will benefit the core nation in the end.

To Kapoor’s analysis, I would add the observation that the enactment of

benevolence through the gift also ritually fixes and defines a specific historical relation between donor and recipient. TPS served as a kind of proxy for asylee status. But while asylum statutes emphasize the *right* of the refugee and asylee to safe harbor, and the *obligation of the state* to provide it, the “benefit” of TPS is represented as a benevolent gift rather than an obligation. The notion of gifts given rather than rights protected ratifies a certain historical relationship. The gift is freely given but entails obligation on the part of the recipient, while the fulfillment of a right implies the obligation of the state entity. In the case of asylum for Salvadorans and other Central Americans who came to the US in the 1980s, recognition of this status would also suggest an act of restitution for systematic oppression, a recognition of the state’s responsibility for both violence and displacement. The granting of TPS to “illegals” on the basis of the inhumanity of sending them back to “natural” disaster, on the other hand, reinforces the idea that the United States is a benevolent entity caring for even those who violated the country’s territorial sovereignty. This interpretation of the program is extant among many who enroll in it, as well as lawyers:

My personal opinion, those fortunate enough to have TPS should consider themselves lucky they have had it now for so many years. Many others just wish they could have any kind of "permiso." I think their complaints are unfounded. Instead they should be grateful the government has allowed them this political tool in order to continue having "permisos." (Mariana Collins Romero, personal communication, July 2, 2007)

By rhetorically reinforcing the notion of El Salvador as a “backwards” place of perpetual disaster, insecurity, and danger, this US policy constitutes this nation's own geography of superiority as the “civilized” safe haven. At the same time, migrants are given no opportunity to become enfranchised citizens in this “safe haven.” The phenomenon of Temporary Protected Status allows the US government the best of both worlds: rhetorically reproducing the notion of “America” as a safe haven, benevolently giving refuge to unfortunates from an unlivable Third World, while also

allowing US industry to exploit those “unfortunates” as a source of labor.

Life with an expiration date: living with TPS

Many Salvadorans do appreciate the TPS program and the benefits it affords them. Most with TPS status feel great relief and even pride that they do not have to fear being discovered by immigration officials. Those with professional training can work as doctors or journalists without problems, while undocumented persons with similar training work under the table in construction or as wait-staff, or use false papers and make themselves invisible in the disassembly lines of chicken processing plants. However, those who benefit from the program also don't hesitate to criticize it. When I told one man I was writing a paper on TPS, he joked, “Tell them they make us renew too often. And they make us give our fingerprints every year! Do they think we are smuggling in new fingers?” (“Gerardo” February 2007). Others express the same resentment at the invasive nature of TPS eligibility requirements.

Some Salvadorans who are eligible for TPS do not choose to enroll for various reasons. This can be because they are not aware of their eligibility, because they are suspicious of state bureaucracies and hesitant to make themselves visible through the application process, or because they choose clandestinity over the permanent liminality (and permanent surveillance) of TPS. While migrants who are undocumented avoid all contact with ICE officials, those with TPS must be in contact with them on a yearly basis to renew their permits, even reporting for “biometrics,” or personally identifying body measurements. This includes fingerprinting which makes many Salvadorans exceedingly nervous. Gerardo, who bridled at the idea that he would have to submit to fingerprinting every year, noted that such a practice is a means of government control: “They do this so they know who and where we are.” Indeed, it is clear in the TPS statutes that such information could be used when TPS is

withdrawn to round up and deport those who had work permits under the program: “information [that INS] collects when an alien registers for TPS may be used to institute exclusion or deportation proceedings upon the denial, withdrawal, or expiration of TPS” (Wasem and Ester 2006: 3). The necropolitics of border enforcement are echoed by the biopolitics of US-CIS registration processes that entail the extensive and frequent taking of biometric records.

Some comment that TPS does not go far enough, and the US owes Salvadorans special treatment due to their governments' loyalty through the provision of soldiers to the Iraq invasion:

I think that they should give us certain consideration because El Salvador is the only country in all of Latin America that supports the US war in Iraq. We sent troops, and it makes me proud to see that. And we have always supported the US. But I think the politicians should see that we did something for them, now they should do something for us. (“Yessica” November 2006)

Another interviewee emphasized that the US had some responsibility to Salvadorans due to the state's role in fomenting the Salvadoran civil war:

I don't understand why the government doesn't extend something special to Salvadorans, because El Salvador suffered a war that was practically agitated by the United States. So they owe us something for that, and more than a temporary permission. (“Camilo” March 9, 2008)

According to this interviewee, the awarding of Temporary Protected Status is a poor restitution to Salvadorans for the US' role in the decades of war and economic disaster in their country. While the very existence of the status proves that political change is possible through a social movement led by a small group of undocumented people, the US government has carefully framed this concession to fit with their own agendas and ideological purposes. While a few Salvadorans emphasized the state's obligation to migrants, specifically citing historical relations between El Salvador and the United

States, it was far more common for migrants to emphasize their own moral worth as a reason for US-CIS to grant them residency. They express frustration at the difficulty of constantly renewing permits. One man who attempted to renew had his application misfiled by a notary and lost his job at Petit Jean Poultry. He used the occasion to reflect on the absurdity of the entire system, arguing that the standards failed to reward those who merit it:

The government doesn't make any sense. I see people that are drunks, drug addicts, make all kinds of trouble, and they get residency easily. While others who only work, behave themselves, they are good people, and they don't give them anything. It's hard for them even to get a temporary residency.
("Ricardo" September 23, 2007)

Similarly, *doña* Magdalena's grandchildren were irate when they realized how long their grandmother had been in the United States without being recognized with legal residency. Upon encountering some letters that Magda had from their mother, sent from El Salvador when she was a child, they expressed their frustration. They couldn't understand why "criminals" could be citizens, but not their grandmother, who had spent "so many years working hard, paying taxes, and doing everything possible to get ahead." The boy, Carlitos, promised to write a long letter to the US-CIS explaining everything about his grandmother's suffering during the war as well as sacrifices and hard work in the United States. These kids, along with Ricardo and a number of other informants, espoused a meritocratic view of citizenship and social belonging. Those who fulfill values of work and contribution should be rewarded and enfranchised, not "criminals" or "drunks."

Salvadoran migrants argue that the structural relationship between the United States and El Salvador, as well as their own good intentions and hard work, should be rewarded with the opportunity to acquire citizenship; they feel that TPS is a condition of exclusion and insecurity, a tenuous form of legality that could be taken away at any

moment. One woman I spoke with had been working with a TPS card from 2001-2006, but her most recent petition for renewal was denied. She doesn't understand why:

They tell me that they don't have enough proof that I am really from El Salvador. I don't understand, I sent them my birth certificate. They were satisfied before. It seems like things are going backwards for us. ("Yessica" November 2006)

In this context, it is understandable that some may choose to continue to work in a clandestine fashion rather than announcing their presence to the Department of Homeland Security. Many informants expressed a feeling of exasperation with both the convoluted processes of immigration law and the proliferation of false document markets:

The law punishes honest people and benefits liars. The father of my children says I should get *papeles chuecos* ["dirty papers"], that there are *buenos chuecos* ["good dirties"]. I am not going to put my fingerprints on a false document. I think it's all craziness. They are selling Salvadoran birth certificates to Mexicans now, with their names on them. Before, Salvadorans used to try to pass for Mexican so they could be deported to Mexico instead of El Salvador, but now the Mexicans pass themselves off as Salvadorans in order to get a work permit. I say it's a total mess. ("Soledad" March 25, 2007)

In light of Yessica's testimony above, it may be that the standards for documentation under TPS are becoming more stringent as new markets develop around falsification of documents, including markets for Salvadoran birth certificates. The state creates the demand for *papeles chuecos*, then cast a wide net for identity theft offenders—a net which catches some of the innocent as well as those true entrepreneurs who traffic in identities.

Limited legal statuses such as TPS, alongside consistent demands for migrant labor in specific industries which then provide a community infrastructure for entrepreneurial and informal labor market activities, enable simultaneous labor

incorporation and formal exclusion from the society/polity. This form of differential exclusion has continuities with colonial forms of labor appropriation. What Mae Ngai writes about the *bracero* program applies equally well to the current situation of many Salvadorans under TPS:

...this transnational Mexican labor force...constituted a kind of “imported colonialism” that was a legacy of the nineteenth-century American conquest of Mexico’s northern territories. Modern, imported colonialism produced new social relations based on the subordination of racialized foreign bodies who worked in the United States but who remained excluded from the polity by both law and by social custom. (2004: 129)

The continuity between Braceros and TPS holders is obvious: exclusion of migrants by law (“illegality” and the state) and exclusion by social custom (racialization and the nation) combine to powerfully subordinate workers. Seen from this angle, the TPS program is an effective mechanism to provide a low-cost, expendable workforce to agricultural and food processing industries. As any contemporary business manager could tell us, there is no better way to put postmodern flexibility in your workforce than by classifying your workers as “temporary” and thus reducing your obligations to them. Regardless of how migrants speak of TPS as a form of legalization, it remains essentially a deferral of deportation rather than a positive attribution of residency status. It does not provide a track towards permanent residency or citizenship for migrants, and therefore its effects are analogous to guest-worker programs such as the *bracero* program (see Ngai 2005: 127-166). Like the Bracero program or the temporary guest-worker program promoted under the Bush administration, TPS allows legitimacy and workforce security for employers while maintaining workers in a state of legal instability and controlled movement. It reduces the number of people who could be called “illegals” and preserves a sense of regulation and control, without

actually permitting “aliens” a means to access full social belonging and legal citizenship in the United States.

TPS and state ideology under neoliberal regimes

While TPS has been seen as a benefit for migrant workers by many legal activists and migrants themselves, in my analysis I emphasize the ways that TPS does ideological work for the state as well as legitimizing a low-cost non-citizen labor force for US companies. Temporary Protected Status performs practical work for these corporations, providing them with a relatively docile and legally immobilized source of labor, while simultaneously doing ideological work for the state. To add historical insult to legal injury, the program is set up to deny and deflect state responsibility for the displacement of Salvadorans and the legitimate claims many have to asylum. The discursive structure of the legal program and its deployment following the earthquakes reinforces US exceptionalism, performing a kind of humanitarian g(r)ift that contributes to Salvadoran subalternity. By narrating the US as source of refuge for those displaced by natural disaster, TPS contributes to a notion of the US as, in Nicholas de Genova's words, the “self-anointed refuge of liberty and opportunity” (2002: 421)-- and a notion of El Salvador as a perpetually disaster-ridden land. Finally, the invasive and unwieldy practice of frequent renewal and biometric measurements doubly subject TPS recipients to state authority.

While on the one hand TPS represents a political victory for Salvadoran transnational migrants and their allies, as a state response to the demands of the migrant community it serves the purposes of the state: legitimizing the state's actions, providing low-wage labor for US corporations, reinforcing the idea of the US as a benevolent force in the world, and placating the nativist lobby by keeping migrants unenfranchised and supposedly “temporary.” Although TPS permits many

Salvadorans to avoid deportation, it also imposes tremendous constraints on migrants' mobility and transnational practices. Salvadorans are penalized for returning to their country to visit because return trips are seen as evidence that migration is a personal choice driven by economic ambitions rather than a necessity due to the situation of "instability" in El Salvador, yet they are also prevented from settling by the always-imminent termination of their work permits—"Salvadorans in temporary status programs have been immobilized in a limbo of spatial, temporal, economic, social, political and psychological dimensions" (Miyares et al 2003: 79). Bailey et al insist that this singular legal condition be understood in its full ramifications:

...although permanent temporariness springs from the fact that many immigrants now live and work under TPS, it is more than a static thing imposed upon individuals and groups by legal means. Indeed, as permanent temporariness is actively resisted, and as it creeps into all the nooks and crannies of Salvadoran daily life, we regard it as a way of being, a kind of space of action.

We thus interpret permanent temporariness as exerting disciplining power over bodies, families, and social fields... (Bailey et al 2002: 139)

I would suggest that this "permanent temporariness," though quite specific to Salvadorans' legal situation, involves dynamics of discipline and exclusion that have also been faced by migrants more broadly. Through an understanding of Salvadorans' TPS status as a structural form of differential exclusion, we can see its continuity with other partial forms of migrant incorporation, even beyond other guest-worker provisions such as the H-2 visa and the *bracero* program. Rather than seeing TPS as "way of being" and "space of action" that is radically different from other ways of "managing" and disciplining migrants, I would propose that its formality can reveal similar dynamics of constraint and exclusion that remain implicit in other situations.

Temporary workers remain politically disenfranchised and often socially marginalized, and their sense of ownership and stability is contingent and fragile. In some ways, by bringing the qualities of undocumented experience into the open and documenting them as legitimate and state-ratified, temporary work permit programs

such as TPS make explicit the relations of power and labor management that remain implicit in the clandestine practices around fully undocumented “illegality.” In other ways, the practices of state and corporate surveillance required by temporary permit programs may make things worse for migrants. Workers’ visas are often tied to a particular employer such that their ability to move between jobs is more limited than those that are undocumented. TPS recipients have their years of residency, time that would otherwise be providing tools for them to eventually combat an order of deportation, legally “disappeared.” While the creation and expansion of temporary worker programs may briefly satisfy the political and economic contradictions that state actors negotiate, it will not resolve the problematic conditions of life for migrants, and may in fact create a semi-permanent underclass of “temporaries.” This type of immigration policy is a way for neoliberalism and the ideology of the nation-state system to work hand in hand.

What then are the impacts of this ideological fusion on the subjectivities of migrants themselves? While migrants may express resistance to the indignities, surveillance, and insecurity of the TPS, they nonetheless live the structural condition in which they are legally recognized as workers, but effaced as full persons. In the next chapter, *Impossible Subjectivities*, I explore the vexed identities formulated by Salvadorans who live this condition of “permanent temporariness.”

CHAPTER 8
IMPOSSIBLE SUBJECTIVITIES
MORAL ECONOMIES OF ILLEGALITY

*Aquí la gente vive bien
pero vivimos encerrados en las casas.
Nos esclavizamos al trabajo.*²¹
“Marta” February 18, 2007

Magdalena Hernandez lives in a small house on Church Street in Danville, Arkansas, a brick home built in the late 60s or perhaps the 70s whose shag carpeting, cracked linoleum, and wood panel walls show little sign of renovation. She fills her walls and the shelves of her entertainment center with the trappings of Salvadoran middle class identity: a 20 inch TV, sconces with plastic flowers, brightly colored clocks and mirror frames with designs based on Catholic saints and virgins or scenes of rural El Salvador, knickknacks, posters of Disney characters, and family photographs—a few from her childhood and youth in El Salvador, but most of her grown daughter and grandchildren who live close by. When I first met Magdalena, she immediately began to recount her life story, finding in me a willing repository for her dramatic life story and accumulated experiences. Within the first few weeks of our acquaintance, she told me about the violence that her family had endured during the civil war at the hands of armed parties on both sides, including abductions and the occupation of her home. War had even shaped her early life in the 1960s—her father, a rancher whose land lay on the contested El Salvador-Honduras border region, was killed by Honduran soldiers when Magdalena was 14 years old. As a one-time single mother with a daughter to support, her life trajectory carried her from El Salvador to Costa Rica to Mexico to California in search of work, and finally to Arkansas where

²¹ Here people live well, but we live all shut up in our homes. We enslave ourselves to work.

she works long hours at Wayne Farms, a poultry processing plant. Denied asylum, scammed by a notary public who misfiled her residency papers in 1986, and turned down for a family based petition after her son-in-law failed to pay his taxes, Magdalena has lived in the United States for over 25 years without achieving residency. She owns her home and maintains constant employment, skating along on temporary work permits with occasional lapses into complete “illegality.”

The first time we sat down to talk over cups of hot tea, Magdalena proclaimed “I’m not one of those people that’s afraid to work,” a catch-phrase that I would hear her repeat dozens of times in our frequent and lengthy conversations. She approached many topics with this characteristic bravado, “I’m not one of those that’s afraid of the *migra*,” for example, or “I’m not one of those that is afraid to say what I think.” Yet the theme of work in particular and the centrality of laboring life to her identity and self-respect emerged again and again. I puzzled over this emphasis, noting its emergence as well in the narratives and self-presentations of many other participants in my research. Although the majority of the Salvadorans I interviewed work difficult, stressful, low-status jobs on the disassembly line at poultry plants, work is nonetheless celebrated as an enduring source of pride and identification.

Over the course of our relationship, Magdalena told me about numerous jobs she held in southern California, in the years before she moved to Arkansas. For the most part she had worked in the informal economy, either in domestic care for small children or elderly people, or in clandestine textile factories commonly called “sweatshops.” Twice she had been a victim of wage theft and had received no payment for work she had done, once after a falling-out with her mistress (*señora*) when she was working as a nanny, and once after completing a shipment of designer clothes. In the first instance she was able to recover her lost wages with the help of

the placement agency that had found her the job, in the latter case she had no way to find recourse.

In spite of the indignities and injustices she described, her manner in speaking of these jobs was frequently one of pride and humorous reminiscence. She spun hilarious tales of the childish and self-centered employers she worked for in domestic settings, emphasizing their helplessness and dependency on her support. She claimed to have saved the life of at least one elderly man whose life expectancy stretched from six months to four years under her capable care, thanks to the illicit daily use of chicken foot broth. Even her current job in Danville, removing the internal organs of chicken carcasses as they speed by on metal spikes in the cold, odorous inside of the most notorious processing plant, she described in affectionate terms. She spoke frequently of her good relationship with her supervisors, her efficiency on the line, her dependability, and her refusal to take breaks in spite of her advanced age and recurrent problematic medical conditions. She decried the complaints of her peers, many of whom were Mexicans as she often pointed out, and criticized most attempts to “get something” out of the company in the form of worker’s compensation or other benefits. She did not complain about the stagnation of her wages over the eight years of service to the company, the fact that she had social security removed from her check but as a temporary worker would be unlikely to see a return on those taxes, or the fact that her health insurance covered very little of her medical needs. It was near the end of my two years in Arkansas, about a year and a half into our acquaintance, that Magdalena confessed to me the depth of her passion for her working life:

There are women that love a man... that live and die just for one man. In my case, the love of my life has really been work. Work, that’s what I love above anything else. My husband is fine, but he wanted me to stay at home... I don’t like to depend on anybody. And I don’t complain about work, as long as they pay me I’m happy. (September 30, 2007)

What can make this passion for work intelligible, in a woman who has worked jobs that are often dirty and difficult, and have left her with chronic health problems? Although her articulation of this pride and identification with work was exceptionally strong, it was by no means unusual among the Salvadorans I spoke with. This discourse of a particular kind of labor ethic and pride, an attempt to situate oneself favorably in a moral economy of work, represents the emergence of neoliberal logics not only in material production systems, but also within the desires and subjectivities of Salvadorans in rural Arkansas.

The crucial contexts to understand when approaching this discourse on work and morality spun by Salvadoran migrants, the frames that make these identities intelligible, are the ideology of neoliberalism, the social elaboration of “illegality,” and the local history of Yell County shaping particular regimes of moral value and class hierarchy. The popular anti-immigrant discourse described in Chapter 6, signifying the “illegal alien” as a social parasite, forms part of the motivation for the performance of ideal worker. These circulating stereotypes are given a terrifying edge by the spectacular and sometimes violent performance of law enforcement against the body of the migrant. The production of social exclusion through the circulation in lay discourse of the notion of “illegality” couples with the state’s force-of-law to achieve, not the removal of undocumented workers, not their exclusion from the legal framework and the “rule of law,” but the eclipse of social and legal rights to the migrant person beyond their minimal existence as a laborer. In other words, the sleight-of-hand that frames migrants as external actually assures their continued reproduction—at the center of neoliberal regimes—as a racialized working class.

A second and related context is the racial and moral micropolitics of rural life in Arkansas at the beginning of the 21st century. The functioning of “illegality” is not equivalent throughout the United States but is differentiated by the historical lineages,

notions of cultural identity, and economic structures and practices that contextualize “illegality” as a mode of socio-legal subjection. In Danville, the specter of antebellum racial hierarchy as well as the frontier heritage shape moral economies. In addition, the presence of persistent class hierarchies within whiteness and a sense of regional exceptionalism, the “primitive survival” of the white hillbilly, create contexts of opportunity for migrants. It is in examining the ways that local histories intersect with legal conditions that we can see not only the structural inequalities built into immigration policies, but the ways in which these policies implode onto migrant experiences in particular locales, and at a deeper level structure and subject migrants’ very identities. While this turn to local detail in many ways reveals the deeper penetration of the inequities of the production of “illegality” for migrants, it also demonstrates the subtle ways in which migrants as active agents negotiate their belonging.

Ideal workers: a passion for labor

Migrant residents attempt to insert themselves advantageously within local social hierarchies of morality and class status in Danville, Arkansas. A central aspect of this orientation, building on the assertions of rootedness and stewardship described in Chapter 4, is an intervention in local moral economies in which migrants promote themselves as possessors of a particularly strong work ethic. Salvadorans and other Latin American migrants self-identify as hard workers who avoid complaints or claims on the company and eschew the use of public services such as welfare benefits. These assertions have aided transnational migrants in achieving a measure of inclusion within local social worlds, and even a relatively advantageous position within local ethnic hierarchies of moral value. This assertion of superiority in relation to poor

white neighbors or co-workers often occurs through forms of work ethic, and identification with work as the central identity of one's life. As one interviewee said:

We come here because there is work; we come for work. Here we live differently because we can always work, this is what we like, it's who we are—we don't like to live off the government. ("Alberto" March 8, 2008)

Another migrant said that sometimes co-workers judged her because she had two jobs, but "I like it that way, that's how I feel good." Migrants presented themselves as uniquely suited to work, in particular, they asserted that jobs they held were not desirable to US citizens. One man said, "we come to look for these jobs, it's true... but I think that this is not work suited for whites." He went on to say that Latinos have a compulsion to work that extends even beyond the capacity of their bodies to endure:

It's possible to see a Hispanic who faints on the line, but doesn't quit. That is to say, the body can't go on but the will [to work] is still there. Even if we can't do it, we do it [*aunque no podemos, lo hacemos*]. Before, only two chickens went by per second, now it's a lot more. ("Mauricio" September 16, 2007)

The ability to do work that others can't or won't do is essentialized and transformed from a structural necessity to a point of pride, a racialized identifier differentiating Latinos from whites, and sometimes Salvadorans from Mexicans. Depending on the social boundary at stake, the discourse could be turned against various Others. But the important thing remained a sense of self as always and indefinitely ready to work:

I am accustomed to working, and I like work. People even tell me that they never see me get tired because if the line stops, I look around and try to help others, I turn around to the other line [behind me]... That's why people ask me why they never see me get tired—what do I do, or what do I take. And I tell them nothing, thanks be to God I never take drugs, only vitamins. ("Carmela" December 2007)

Independence and illegality: rejecting the welfare state

The refusal to claim public services as well as avoiding consumption of alcohol or drugs is also a critical part of this emergent moral self. Carlos, who sells tacos out of his van in the parking lot of one of the poultry plants during break times, used to work on the “disassembly line” in the evisceration department at the plant. He repeated one motion over and over as the chicken carcasses flew by at high speeds impaled on spikes until he injured his fingers at work and was no longer able to keep his job. At first, he claimed that he did not take disability benefits after being injured at the plant because he takes pride in his independence. He mentioned that he has heard about *Americanos* taking welfare money instead of working, but he would never do that—even hurt, he will find some way to work, to “make an honest living.” By asserting his refusal to take public benefits, Carlos situates himself favorably in a local moral economy of work vis-à-vis other (poor white) workers. At the same time he is actively constituting a work ethic and a moral economy of value that frames the use of public benefits as invalid and a sign of problematic “dependency,” hence directly contributing to neoliberal ideologies. However, later in the same conversation the ex-worker revealed that he was also afraid that his false identification would be discovered if he applied for benefits. In multiple ways, legal condition and his structural experience in the system of production shaped his actions, his claims on the state, and his sense of self. Other migrants also commented on their unwillingness to take benefits—even if they *were* eligible:

Some of the Americans [whites] are content to just live off the help of the government.... There are women who have two or three children and then they say, “now I can’t work.” They prefer to live off the state, even though they live poorly. The immigrant does not do this, the immigrant what he does is work and work in whatever he has to—only work and work and never ask for help. Even I as a citizen, I try not to ever ask for help... you know that we try not to live with any vices, not tobacco nor alcohol, so that we can earn our own living. (“Isabel” February 2009)

This moral discourse was not exclusive to Salvadorans; other Latino workers employed it as well—although Salvadorans often attempted to claim an edge in the moral hierarchy, citing the stereotype of Salvadorans as especially hard-working and industrious. Nonetheless, Mexicans and other Central Americans also tended to perform themselves as ideal workers. Even workers who were filing formal complaints at a Worker’s Rights Center that they hadn’t been paid would extensively narrate their qualities as diligent workers, speaking not only of the quantity of work they had done but also their attitudes of respect, deference and gratitude towards employers, as though they would not merit minimum wage without demonstrating the proper character. In other words, the hesitancy of migrants to *reclamar*, or make claims against, their employers, was due not only to pervasive fear of discovery by immigration officials, but also to a particularly submissive work ethic that infuses migrants’ sense of self. In order to counter the accusations within anti-immigrant discourse that frame migrants as simultaneously too industrious and parasitic, even those who were victims of wage theft felt they had to justify themselves.

Moral claims and stratified whiteness

In this small-town context, where whiteness is bifurcated along a particularly persistent faultline, Salvadoran migrants have had some success in acquiring acknowledgements of acceptance and even respect on the part of elite whites. Migrant residents are also quick to grasp the internal class divisions within whiteness and seize on the critical discourse towards “rednecks.” Salvadoran acquaintances of mine frequently criticized the hygiene and child-rearing practices of their working-class white neighbors, and circulated tales of poor whites who lived in the backwoods, *puro campo*, who refused to work for a living and lived in squalor and ignorance.

Attributions of laziness to poor white neighbors were common sources of conversation, often linked to tales of the exchange of social security numbers. Gossip circulated regarding young women who were willing to sell their social security number to an enterprising Latina so that she could live off welfare and the tax return check. Iterations of the “hillbilly” as ignorant, lazy and foolish circulated and shaped perceptions of poor whites in the area. This is true not only for elite whites, who have long framed poor whites as unworthy subjects whose subordination is blamed on their own supposed inferiority, but also for migrants. Latin Americans often favorably compared their own hygiene, work ethic, and moral sensibilities to those of the “rednecks.”

Their place in the hierarchy of whiteness often influenced whites’ stance towards new migrant neighbors. Whites who were eager to distance themselves from the hillbilly stereotype would at times celebrate immigration as a way for the region to become more “diverse” and cosmopolitan. They also did so by praising the supposed qualities of migrants and simultaneously denigrating poor whites. When I inquired his opinion of the newcomers, one pillar of the community in Danville told me that “they’re hard-working people, they’re good neighbors, I mean—they’re a lot better than the white trash that was there before them!” Elite whites’ assertion of acceptance of the new diversity became part of their own performance of an enlightened and civilized white person, a way to further distinguish themselves from “hillbillies.” This group also tends to be the professional class of people who benefit most directly from the profits of the poultry industry, as well as store owners, teachers, and others who owe their livelihoods to the new influx. While these groups are also less likely than their working-class neighbors to have Latino in-laws or close friends, they work hard to promote the status quo, maintain positive public discourses and civil business relations.

While elite whites usually mention a sense of uneasiness regarding the rapid demographic and cultural transformation of their small-town context, in the final analysis they perform a stance of generosity, civility, and appreciation towards migrant neighbors. Whites express admiration for “Hispanic culture”—the family values, work ethic, and strong religious faith that supposedly characterize the migrant community. Those who work in public services, such as educators, bureaucrats, and law enforcement, described the migrant community in terms of their “virtues,” such as an investment in education, commitment to their children, and aversion to crime. The director of social services said that the migrants did not take advantage of public services in the same way that some native-born people do:

The nice thing was once they got jobs and got their first paycheck, they never came back. They don’t come back. And I thought that was a real credit to them. That’s what so many of our programs are supposed to do, is help you through an emergency situation. And that’s how they use them... you don’t see the repeat performance that you have with our, you know, typical welfare clients that we’ve had for generations... their grandparents, their parents, and them on welfare. That’s our typical welfare family and you don’t see that with the Hispanic population. (Pat Pyle, personal communication, July 27, 2007)

In many ways the civility of these relations, these expressions of admiration on the part of elite whites, are precariously balanced on the legal and social structures of exclusion. Salvadorans, Mexicans, and other Latin American migrants are welcomed because they are easily kept in their place.²² The positive discourse regarding migrant presence often co-exists with criticisms of “illegals,” and most whites do not seem to find them contradictory, rarely using the former to critique the latter. In fact, the dual conceptualization enables a double vision towards migrants in which whites can carry on intimate friendships with some undocumented migrants, extending even to a

²² The structural conditions of inequality produced by legal means and furthered through social processes and circulating discourses of othering help to maintain the benefits of a docile workforce while excluding the vast majority of foreign-born residents in Danville from any participation in city council, the school board, or other local political bodies.

willingness to sponsor them for residency, while simultaneously justifying the exclusion of others who are deemed unworthy. Nonetheless, this double vision provides certain opportunities for migrants to strategically assert themselves: by being the proper kind of subject, they can acquire a measure of social recognition and, significantly, advocacy and protection on the part of the “good old boys.”

Paternalism and protection

Intimate and paternalistic relationships with whites, often supervisors or bosses, develop in which the whites become both friends and defenders. Rubén described his first boss, the man who recruited him from Texas, as a teacher and protector:

He was a good boss (*patrón*), as a boss he was good. He was responsible with us, he paid on time and he took care of us. When we were going to have a few months without work he would say to us, ‘we’re going to be without work, take care of your money, don’t spend too much, because we’ll go two months with no work!’ And if one of us was spendthrift he wouldn’t lend us money. But if we were careful with our money but still had a true emergency, and we really had a need, then he would help. (August 3, 2007)

These whites will speak on behalf of migrants, often utilizing the claims of the moral discourse regarding work. Mauricio spoke of an ex-supervisor of his who got into an argument with another white man who was spouting negative views of migrants:

I have a great friend, I could even give my life for him, he’s an American and his name is George Hill, from Russellville. He speaks a little Spanish, and I only speak a little English, but anyway, we became friends. He appreciates me a lot. We worked together, we went out to eat together, everything. One time he got mad at another American. I didn’t understand what they were saying, but later he explained to me that this American was saying that we don’t pay taxes, that we came to take their jobs away, and things like that. My friend got mad and he said to him, look, I’m a supervisor at Tyson, here are the applications if you want to work. I take taxes out of their checks, and afterwards they don’t claim the refund because they can’t or they don’t know how. That money goes to the government—and do you know why? To give to you because you don’t want to work! (“Mauricio” September 16, 2007)

The protections extended by *patrones* are crucial, but those extended by local law enforcement agencies are important as well since they complicate migrants' vision of the state. While a number of migrants told stories of police harassment "in the beginning"—during the early and mid-1990s- they all hastened to assure me that the current attitude of the city and county police was quite different. As one informant said:

Here even the police know you, because they know everyone's face, and that's good. They are attentive to every little thing. They know where you are coming from and where you are going. And if you just go back and forth to work, and back and forth to church, they will never bother you. ("Roberto" February 3, 2007)

After a homily he gave one Sunday on the ways that police in a town several counties over were mistreating Hispanics, I asked the local priest if that sort of thing ever happened in Danville. "No, as a matter of fact it's almost the opposite," he said. "Here the cops call me in to explain so they can let the guys go... there's even one young guy who really makes trouble, drinks a lot, but the cops like his parents so they won't arrest him." Local law enforcement even cracked down on a small group of anti-immigrant protesters organized by White Revolution, a white supremacist hate group who rallied in Danville several years ago. Police arrested several of the activists and made it clear to the others that they were not welcome. As the current Yell County Sheriff described it,

They got this group called the White Revolution up past Russellville, and the leader of this group married a girl from around here. So a couple years ago he wants to come down here and have a protest, he thought he was going to incite the Revolution in Danville. I suppose he thought he'd mobilize a lot of folks down here but he only incited about 4 or 5 people to make their white revolution, it was pretty pathetic really. I mean people around here aren't

interested in that kind of thing. (Bill Gilkey, personal communication, February 26, 2008)

A few Latinos who described this same incident to me joked that *los ricos*, the rich people, must have sent the police to get rid of the White Revolution in order to protect their profits. Without the Latinos, they said, where would they make all their money? According to Elena,

Mr. Chambers [the owner of Petit Jean], the owner of Wayne Farms, and the owner of the Sav-a-Sum went to [the protesters] and said no, because it was through the Latinos that they [the owners] had earned more money. The others said it wasn't fair, because they were poor, and Mr. Chambers said if they were poor it was because they didn't want to work. And it was true, they were from here, they could have worked if they wanted to. They arrested them all and took them away. ("Elena" September 28, 2007)

In addition to the police support, a few local mayors have publicly spoken in support of the newcomer community, one even contending publicly "immigrants are the motor of development."

Clearly self-interest plays a part in many local whites' pro-immigrant stance. The poultry industry is the lifeblood of the county. As local state representative Nathan George said, "Interesting situation in this county, it's changed in my lifetime... but we have no choice if we want to keep the poultry industry, which we've got to have" (February 25, 2008). One public servant expressed ambivalence about the degree to which city government is beholden to the owners of the plants:

We live in a good town here, we've got good folks that are capable making up city government, but they're not about to rock the boat. They may discuss the problems, talk behind closed doors, but they don't have the backbone to sit down with the heads of Wayne Farms and Petit Jean Poultry and express what the problems here are... you go back in time and you had a mayor who was part owner in Petit Jean, you had a city councilman who was a general manager at Wayne, you know, so when the change started becoming about nobody was going to question that. ("Ed" February 2008)

A man who used to belong to the city police force claimed that he was asked to impose zoning regulations on white homeowners but “told to look the other way with the Hispanics.” The benefits and forms of protection experienced by migrants have their nexus in the worker-employer relationship, but in the small town world of Yell County they have come to extend to local law enforcement and government.

Impossible Subjectivities

It is not only by means of their labor, but also by performing a self that reflects and reproduces an individualist moral economy of work, that migrants achieve recognition. By successfully holding down difficult and dangerous jobs that were previously the province of working-class whites, migrants establish superiority vis-à-vis those categorized as “white trash.” By reviving and beautifying Main Street, and maintaining their lawns free of broken down vehicles and large appliances, migrants assert both to themselves and to others that they are contributors to community renewal, rather than the criminals and welfare abusers they are accused of being within anti-immigrant discourse.

Migrants’ assertions of validity and moral worth can work in this small-town Arkansas context because of the personalism of the setting and the complexity of local class relations.²³ Similar to the ability of the Mississippi Chinese to negotiate their place favorably in a local racial hierarchy as James Loewen (1971) describes it, Salvadorans in Danville are able to assert themselves as valid residents and “good neighbors” during a time period when the climate of reception for them nationally and

²³ Nonetheless, this assertion was always contingent and vulnerable. Many of my interviewees expressed a feeling of abiding anxiety and instability. This is traceable to their condition of partial or complete legal exclusion.

state-wide was quite unfriendly (see also Stull and Broadway 2008).²⁴ The “success” of this assertion is complex and multivalent. The process of negotiated belonging, while it has been successful in some measure, is predicated on migrants’ marginal position and acceptance of substandard working conditions. Ironically, Salvadorans’ construction of themselves as hard workers who eschew the use of public services contributes in the long run to the neoliberal ideologies and production systems that underpin migrants’ subordinated status. Social acceptance and recognition, tenuous at best, thus comes with a cost: Latin American workers are accepted on the condition of their subordination and marginalization—only as subjects whose legal existence is effaced and eclipsed, only as “aliens,” persons alienated not only from political belonging and from their role in regimes of production, but perhaps from the very core of their identities.

The world of the new millennium is a world of documentation and information systems. The identity of a person, and that person’s ability to claim benefits of social belonging and move freely through the world, hinges more and more on claims made through forms of identity documentation. As Anne Norton writes in *Republic of Signs*,

Without a name, without identification, one does not exist for the various agencies of government. If one does not produce a voter registration card, or appear by name, in writing, on the registration rolls, one is not permitted to vote. Without a diploma one cannot practice law or medicine. It will not do to produce one’s mother to testify to the conditions of one’s birth; a birth certificate is required. Without a name, without cards and forms of writings, citizens scarcely exist, either for the government or for one another. (Norton 1993: 10)

²⁴ The personalism of the rural southern setting has parallels to the *patronismo* (clientelism) of Salvadoran rural communities during the period of the *cafetales* and other plantations run by large landowners, as many of my informants pointed out. This familiarity gave them a sense of agency in establishing their presence. They knew what they had to do in order to survive and thrive in this environment.

In this context, where the self and the document are mutually constituted, the undocumented person lives with the specter of nonexistence. They live with the possibility of misrecognition, or discovery of their social identity if it is a mismatch with their documents. This quandary of self-consciousness, alienating the social person from the state's recognition, gives new meaning to Louis Althusser's meditation on subjection and subjectivity. In this famous vignette from his essay "Ideology and Ideological State Apparatuses," Althusser tells the story of a person walking down the street who is hailed by a police agent calling out "Hey, you there!"

Imagine an individual is walking down the street, and an agent of the most common everyday police hailing "Hey, you there!" The hailed individual will turn round. By this one-hundred-and-eighty-degree physical conversion, she becomes a *subject*, because she has recognized that the hail was 'really' addressed to her, that she is the one who was hailed, not someone else. (Althusser 1997: 131)

Imagine now that it is an immigration agent who calls, and they call a person who goes by two or more names in her everyday life. The agent, representative of the state and its force-of-law, hails the impossible subject, the legally misrecognized subject, the socially split subject. In so doing authority recognizes and constitutes the material reality *and* the vexed ideological impossibility of that subject. Does she turn around? On the one hand, she must, for authority calls her, names her, even makes her what she is. She cannot help but to be present for this authority whose rights to detain and displace her are absolute. And yet, she may disappear at the moment of hailing, a habit acquired after years or decades of being made invisible by the state. Better still, the agent may not call her name at all, may ignore her presence. After all, his naming of her is also at some level the recognition of his complicity in her wretched existence. The "alien" is the uncanny figure, simultaneously "there" and "not-there" whose centrality to the new world order of neoliberalism must be repressed. If the agent calls the subject, without doing damage to the nation-state he represents, he must call her in

order to negate her as a valid social person, in order to constitute her as an appropriate object of detention and possibly violence.

I will summarize Althusser's argument here in some detail as it speaks to the basis of my own analysis. Building on Marx's model of the state as a set of institutions providing material repressive apparatus for the exercise of the power of the ruling class, Althusser suggests that there is another element to the state: the ideological state apparatus. This cannot be reduced to, nor can it be separated from, the repressive capacity of the state via the army, police, legal system, and detention centers. The ideological work of the state is carried out through diffuse social institutions such as the family, the workplace, religious institutions, educational institutions, and communications media. The task of these institutions is the *reproduction of the conditions of production* through the constitution of appropriate subjects: subjects who have the requisite skills to continue serving in their functional capacity within a system of production, that is, as labor or management, and also the appropriate attitudes—what Althusser calls “submission to the ruling ideology” (1997: 104) and what might be called in Gramscian terms the internalization of hegemony. This ideological work always takes place against the backdrop of the repressive apparatus; in other words, repressive threat is always immanent within this inculcation of ideology.

Now let us return to the anecdote about the policeman, because it is here that Althusser's argument acquires more subtlety. The policeman (or immigration agent) hails the subject, and the subject turns around. This is a metaphor for the way in which an individual, inasmuch as she conceptualizes herself as an individual, is always-already caught in a web of ideology. Although many of Althusser's examples have to do with overt practices of socialization into specific ideological positions, such as children's ritual repetition of the pledge of allegiance, in this case he emphasizes

that we as subjects are *interpellated* by ideology. In other words, we are ideological creatures at the core level of our personhood, we are always-already subjected to power as we are recognized as subjects. The forms of subjectivity I observed among Salvadorans in rural Arkansas provide evidence of this vexed relationship between authority and power and individual identities.

Unlike the monolithic authority suggested by Althusser's scenario, state authority in the real world is fragmented and multiple. Even the repressive apparatus of the state has multiple institutions with divergent missions and modes of operations, as well as multiple individuals within those institutions with differing loyalties and perspectives. When the undocumented person encounters "the state," they may do so in the form of an elected representative, a social worker, or a public school teacher. If they encounter an agent whose job it is to enforce the law, they may be facing a Border Patrol agent, a county Sheriff, a state trooper, a city police officer or even a district attorney. Each of these will have distinctive orientations towards the person and their condition of "illegality."

In Danville specifically, many representatives of state authority on the local level will treat undocumented migrants as valid social beings worthy of protection and recognition, while media discourses and the occasional incursions of ICE agents into the county make it clear that the federal level represents a more punitive and exclusionary state. One interviewee, after stating "*Yo sé que aquí no me quieren*," "I know that they don't want me here," hastened to clarify that he felt welcomed by local people but rejected by *el gobierno*, the federal government ("Mauricio" September 16, 2007). Interactions with local police were usually very friendly, but any rumor of an ICE van driving around the county, no matter how slight, travels quickly through circuits of communication and makes Danville a temporary ghost town as migrants retreat indoors.

It is precisely this simultaneity of the climate of fear (of the central state) and the possibility of protection (by the local force-of-law) that frames migrants' assertion of self as a hyper-moral subject. Simultaneously effaced as legal persons by the federal authorities, derided and rejected by some neighbors in Arkansas while welcomed, recognized, and valued as laborers by other more powerful Anglo-Arkansans, the laboring self becomes the best site of refuge. Strangely allied with the capitalist owners, managers, and supervisors who extract their labor at a pittance, often devastating their bodies in the process, migrants retrench themselves in the value of this labor and make their stand from that vantage point. From this angle, "illegal" immigrants are not transgressive of the neoliberal social and economic order in the contemporary US, but constitutive of it. The sense of self emerging from Salvadoran experiences as "illegals" contributes actively to the *reproduction of the means of production*. The neoliberal economy is built, both materially and ideologically, on the backs of migrant workers.

Interpellation and social action

Where does this leave Magdalena, and where are the sources of hope for those who are in favor of labor rights, political inclusion and democracy, and concerned with the erosion of rights under neoliberal globalization? I offer no concrete answers, but I can return to Magdalena and reveal another, perhaps hopeful incident from our many conversations. One afternoon, following our discussion of the rapid rise to fame and fortune of Sam Walton, Magdalena told me of a friend of hers, a young white man, who occasionally comes in to the chicken plant and works for a few months. He has two daughters, but will not keep a steady job. She gets along well with him and they have a friendly, joking relationship, though she doesn't understand why he doesn't work harder to maintain his family. She said to me,

I tease him about it, I always say—‘Why haven’t I seen you at work? What about your kids?’ [laughing] I saw Joe at Walmart the other day and I said, ‘when are you coming back to work?’ ‘Me?’ he said, ‘I’d have to be real desperate. Why are you still slaving away working so hard on the line? You don’t have any kids at home.’ ‘I’ve got three dogs to support!’ I told him, and he laughed. ‘You Hispanics,’ he said to me, ‘You can keep working to make the rich men richer if you want.’ We both laughed. He’s a good guy. (“Magdalena” June 9, 2007)

With her laughter Magdalena, a highly intelligent as well as resilient woman, expressed her partial recognition of the truth of his statements. This is a reminder that alienation is never complete and subjection never absolute. Partial misrecognition is always also partial recognition. Rather than characterizing the migrant worker subjectivities I describe as purely alienated, as “false consciousness,” I would call them complex and contradictory consciousness. Neither pure “resistance” nor pure “subordination,” the stance of the tough but moral and deserving laborer is a subject-figure that both reproduces the conditions of particularly exploitative means of production, and simultaneously creates a strategic site from which migrants can sometimes contest their dismissal, mistreatment, or social exclusion. At the very least it forms a vantage point from which to contest the most virulent and violent constructions of “illegality.”

Nonetheless, the standpoint of the moral and deserving worker is in the final analysis an atomized, individualize subject-position and one that does not lend itself to worker solidarity or the formation of class consciousness. Processes of individuation are inherent in the mechanisms of US-CIS, in which the norm is for every individual to seek legalization along their own tortured path,²⁵ as well as in the competitive world

²⁵ There are some exceptions—for example, the class action lawsuit that provided new asylum hearings for a broad set of categories of Central Americans denied their claims during the 1990s recognized and attempted to remedy a systematic and class-based discrimination and injustice (*American Baptist Church v. Thornberg* 1991). Events such as the winning of that lawsuit shed light on the collective contours of immigration exclusion and enable a glimpse of immigration status as a group rather than an individual problem. Similarly, the recent immigrant rights movement mobilizations

of work in which employers encourage divisions between workers. Sensibilities of rugged individualism, deeply rooted in US southern and western cultural worlds and reified through recent circulations of neoliberal ideologies, feed into the same process. The anecdote about Magdalena and Joe above, however, reveals connections formed across boundaries of race and language, through but also in spite of competitive moral economies of work. This is perhaps where Althusser's narrative fell short: although subjects emerge always already within power relations, they are not exclusively brought into being by the voice of authority, but also by the voice of others. Intersubjective experiences open space for analysis, for laughter, and perhaps in the end for action.

attempt to re-frame (for participants and observers) the issue as one of injustice towards a broad and diverse set of people, united through their victimization by policy, which requires a broad and collective remedy.

CHAPTER 9
CONCLUSION
DISAPPEARED SUBJECTS OF A NEOLIBERAL STATE

Everywhere we hear it said, all day long—
and this is what gives the dominant discourse its strength—
that there is nothing to put forward in opposition to the neo-liberal view,
that it has succeeded in presenting itself as self-evident,
that there is no alternative.

If it is taken for granted in this way,
this is as a result of a whole labour of symbolic inculcation

Against this permanent, insidious imposition,
which produces, through impregnation, a real belief,
it seems to me that researchers have a role to play.

Pierre Bourdieu
Acts of Resistance Against the Tyranny of the Market
(1998: 29)

One late night in August of 2007 my cell phone rang with an unfamiliar number. When I answered a husky voice asked in Spanish if I was Miranda. “Yes,” I said, “Who is this?” The man at the other end of the line explained that he was Roberto’s older son, Eduardo, and that we had never met.

“*Me dicen que Usted sabe algo de derecho,*” he said, “They tell me that you know something about the law. I’m desperate and I don’t know what to do. They took my brother and we’re just trying to figure out where they took him.”

He explained that an immigration agent had come to the house he shared with his brother and had arrested him and taken him away. The family wasn’t sure where he was but they were pretty certain that he needed a lawyer. He was deeply disappointed when he learned my minimal training was as an advocate in the area of labor rights, and that I could not give sound advice regarding defense against deportation, much less represent anyone in immigration court in Memphis. I gave him

the number of a local immigration lawyer I knew and trusted, the conversation dwindled off and we sat in silence on the telephone line for nearly a minute before saying goodbye.

The next time I spoke to Eduardo was a few weeks later out back of his father's taco stand. He pulled up in his pickup truck. As he stepped down and Roberto introduced us, I didn't make the connection until he spoke and his voice brought back the faceless phone conversation late at night. "How are you?" I said awkwardly, and he looked at me with a lost, resigned expression. "What happened with your brother?"

Eduardo looked down and kicked at the dry Arkansas dirt with the tip of his boot. "*Se lo llevaron*," he said. "They took him away." And with that phrase, the passive phrase typically used to put a name to forced disappearance, he evoked all the weight of violent history, all the pathos of *los desaparecidos*. The transfer from the county jail to Memphis and then the deportation had all happened very quickly; the family had not seen the detained since the time of his arrest.

The violence of the state has more than material efficacy. State detention of migrants, from workplaces, homes, and streets throughout the country, creates a fertile absence, not a lack but an active eclipse, a *disappearance*. These practices reverberate within migrant and citizen communities, reproducing forms of insecurity that motivate our desperate conformity to the new world order of neoliberalism. The climate of fear entailed by this order is no accident, no temporary "state of emergency," but an ordered disorder disciplining us to its forms.

The "neoliberal state" referred to in the title is not only the institutional State whose authority produces "illegality," but also a *state of being* experienced by all of us who are subjected to neoliberalism's disciplining power. The logics of neoliberalism compel different "states" for different subjects, and in the case of transnational

migrants, the experience of clandestinity and legal exclusion forms a central part of their “neoliberal state.” According to Susan Coutin’s study of Salvadoran migrants en route to the United States, clandestinity is an experience that pervades migrants’ lives while they are on the journey, transforming their sense of themselves (Coutin 2005). She describes the way in which migrants begin to feel guilty, infused with immorality, even though they don’t think they are doing anything wrong. They feel a heaviness, a weight, and a great anxiety about the potential to be discovered (see also Coutin 2007: 100-121).

I suggest that this ethos of hiddenness does not generally end when migrants reach their destination. The same experiences of feeling weighted down and feeling a sense of pervasive angst and fear emerged from many of my interviews. Even as Salvadoran migrants make inroads into the local social sphere, they feel an internal impact of the stigma of being “illegals.” They feel anxiety about their own worthiness and moral fiber. Although they do not generally see their “illegality” as their own fault, they internalize some measure of the social stigma associated with the status. In this situation, migrants hold themselves to excruciating moral standards in order to reassure themselves, and others around them, of their own worth and validity as human beings.

Migrants assert themselves as not only a worthy person, but as a valid and legitimate *Salvadoran-American* subject, a subject whose presence in the US social landscape is valuable due to its fulfillment of moral stipulations drawn from Central American and Arkansan historical contexts, moral regimes that have been drawn together over the past 20 years or so through their mutual articulation with the rise of neoliberalism. Salvadorans in Danville drew on both local discourses of hard work

and rugged individualism (remember John Wayne) and the historical association of Salvadoran identity with hard work in Latin American contexts.²⁶

The pressure of “illegality” raises the stakes such that migrants must out-perform US Americans in their own proclaimed values of nationalism and work ethic. As in many other contexts such as deferral of deportation hearings and naturalization ceremonies (Coutin 2003), immigrants must perform selves that not only minimally conform to, but actively promote dominant ideologies of US exceptionalism, work ethics, and moral “decency.” They must exceed a native-born US citizen in presenting themselves as of upright character, credibility, integrity, and right-thinkingness. And for their own sense of self-worth, they must maintain standards of hard work that meet or exceed the diligence of their parents and neighbors left behind in El Salvador. It is these compulsions, the product of what Judith Butler calls “the psychic life of power,” that shape vexed subjectivities such as Magdalena’s passionate identification with her working life. The identities of “impossible subjects,” rather than representing a site of exception or a “non-state” space of potential resistance, reveal deeply rooted processes of subjection to authority, both the authority of the state and that of neoliberal regimes of production. Interpellated by state-produced ideologies of “illegality,” undocumented Salvadoran workers in Arkansas become active co-creators of the neoliberal ideology that reproduces their exploitation.

Fluid forms, mobile economies

Through these stories I hope, among other aims, to combat the notion of the unassimilability, of the “foreignness” of Latino immigrants in schematic understandings of ethnicity and difference. In many of my interviews, many white

²⁶ The slang term used in Spanish to refer to Salvadorans is *guanaco*, which is the name of a South American pack animal.

Arkansans interpreted the attitudes and practices of their Salvadoran, Mexican, and Laotian neighbors as attributable to their “culture.” It is their “culture” to endure hard work, said a few. Others said their “culture” valued family and strict moral values. “One thing we’ve learned about their culture,” said one man, “is that they like to live close to their place of employment and walk rather than drive.” Such iterations reify a “post-racial”²⁷ but highly essentialized model of difference in which practices and attitudes emerge from a primordial “culture of origin” and remain relatively immutable. The complex and fluid modes by which the Salvadorans I spoke with absorbed and deployed narratives of work and personhood that made sense in new social fields, however, belies this understanding of “culture.” Salvadorans adroitly became appropriate neoliberal subjects—not just neoliberal workers in general, but Salvadoran-Arkansan subjects whose identities and performance of self both fulfilled neoliberal logics and successfully placed them in local geographies of value.

In the tumultuous process of settlement in the *nuevo* south, Salvadoran transnational migrants are not maintaining an immutable cultural identity but developing an emergent subjectivity that agentively negotiates belonging and protection under difficult conditions. These emergent identities draw upon and reflect the structural conditions of the particular geographies inhabited by migrants—the political geography of the neoliberal emigrant and immigrant states, the regimes of moral value and racial hierarchy extant in small-town Arkansas, and the political economies of migrant-dependent industries.

While local white residents and the town’s leadership recognize the value and legitimacy of migrants’ presence overall, this hard-won acceptance has come through the reinforcement of neoliberal ideologies of uncomplaining hard work that contribute

²⁷ Categories spoken of in terms of “culture” and “ethnicity” are very racialized in this social setting, as I have argued throughout this work. Yet informants as a whole avoided speaking of these categories *explicitly* in terms of race and seemed uncomfortable with it when they did so.

in the long run to workers' exploitation. It has also come due to the economic dependency of the town's elites on the labor of these workers. The complex dis/connections to community and place emerge not only from concrete experiences migrants encounter at work, with neighbors, and in public spaces, but in dialectical relationship to processes occurring at the level of the nation-state such as US political discourses and policies around immigration. Imbued by the stigma of "illegality" and the angst of "temporariness," Salvadoran migrants construct contingent lives whose apparent marginality obscures their foundational contributions to the new neoliberal order.

Through constituting themselves as willing and able workers, as hyper-moral subjects, Salvadorans assert themselves as legitimate and useful residents of local social worlds, constructing a sense of self as a worthy individual to counter the construction of the "illegal alien" as illegitimate and parasitic. This regulatory work has been met with some success, and Latino migrants are broadly perceived by the Anglo community in Yell County as valued harbingers of economic revitalization. This appreciation is tenuous, however, and predicated not only on the fact that Salvadorans, Mexicans, and other transnational migrants form the workforce that has renewed the local economy, but also on *their embodiment of a certain kind of worker*, a worker who is suited to menial labor and expresses appreciation and even passion for their position in the labor market. Neoliberal logics compel the emergence of this subject-formation: the temporary worker who is not only structurally disposable, but also embraces their condition through particular moral iterations of capitalist norms and neoliberal values of independence and hard work. These regimes of value, in service to neoliberal regimes of production, also find a powerful confluence in Yell County with particular local histories shaping moral economies of value based in notions of Western frontier and Southern heritage.

Outsourcing responsibility: neoliberalism and privatization

Like the Salvadoran state's utilization of "OutSource" janitors at the Ministry for Salvadorans Abroad, the neoliberal state constantly seeks ways to divest and privatize its responsibility for persons within its jurisdiction. This happens not only through obvious policy procedures such as welfare reform, but also through the neoconservative invasion of the private sphere of citizen and migrant subjectivity.

Outsourcing is one key to the bizarre phenomenon of the inherent contradictions of a state that is simultaneously neoliberal, neoconservative, and engaged in ongoing imperial war... our American culture of fear in response to terrorist attacks is part of a much broader phenomenon—the contradictory, simultaneous development of a less and less regulated economy and defunded social programs, with a yet more and more regulated private sphere. (di Leonardo 2008: 15)

Micaela di Leonardo reminds us that the defunding of state programs and the privatization and massive expansion of the punitive state under neoliberalism have been accompanied by an increasing regulation and surveillance of the private sphere. The condition of "illegality" experienced by migrants, and the corresponding development of a hyper-moral neoliberal self by Salvadorans in Yell County, Arkansas, epitomize this implosive process. Rather than the process of liberation promised by neoliberal dreams, the reproduction of neoliberal regimes entail an ever-more invasive instantiation of authority and surveillance colonizing the imaginations and desires of the subject.

This process of privatization enables the state to evade accountability for its material practices and displace the authorship of its ideological conceits. As Christina Schwenkel argues regarding US-Vietnamese relations, "neoliberalism has come to signify an enduring state of moral unaccountability" that in the end "allows for US empire to reproduce and reconstitute itself in the present" (2009: 31). The erasures and revisions of mutual history between nations, such as the shared history between El

Salvador and the United States, form a crucial basis for current relations of continued subordination and exploitation.

The US government not only displaces responsibility to asylees through the deployment of TPS, but also displaces responsibility for racism—a predictable racism emerging from the legal production of “illegality”—onto the very people disadvantaged by the global “race to the bottom”—poor and working class people. In Danville, elite whites are able to perform attitudes of benevolence and tolerance while expropriating labor value from Latino migrants. In the meantime, white working-class people are displaced from their jobs or face the insecurity of a downward pressure on wages and working conditions. Distracted by the ideology of “illegality” that presents migrants as an easy scapegoat, some blame their Latino neighbors for the conditions of exploitation and insecurity that accompany late capitalist restructuring.

Finally, the state “privatizes” its ideological apparatus. The complexities of the legal exclusions infusing migrants’ lives with an uncanny “permanent temporariness” in which legal recognition is reduced to the working body motivate the hyper-performance of moral selves. By situating themselves as superiors within a moral economy of work vis-à-vis other workers (primarily Mexican and poor white workers), Salvadorans engage in a form of identity production that is simultaneously strategic and organic. Tactically these identities assert worthiness to outside audiences, but this work ethic also pervades the core of their sense of self. Ironically, this sense of self, a strategic assertion of validity within a local sphere, is often predicated on forms of subjectivity that reinforce submission to the exploitative modes of production in which migrants are engaged. While the neoliberal state’s economic policies depart significantly from the abstract principles and grand values of neoliberal theory, it is in the “transgressive” migrant that these theories find their purest expression. By constituting themselves as docile, capable laborers with high

endurance and low demands, Salvadorans are producing themselves as ideal neoliberal workers and reproducing the neoliberal ideologies that shape our lives.

A philosophical history of illegality

Rather than offer a traditional ethnography of Salvadoran transnational migrants' cultural practices, this dissertation has explored the historical articulation of political, ideological, and economic forces under late capitalism through an examination of the vexed experiences of migrants in rural Arkansas. The legal production of the state of exception, of which I argue "illegality" is a crucial part, occurs not only through statutes but also through the pained, overworked bodies that labor beyond capacity. It occurs not at a universal, monolithic level, but articulates with specific and historically produced regimes of moral value as well as modes of economic production. As in this case, the particular history and geography of migrants' locales of settlement, as well as diverse policy forms, racial formations, and regimes of production, all structure the contours of subjection and resistance. This structuring occurs at different scales and sites: the haunting and violent history of US interventions in El Salvador, the mythico-historical rise to fame and fortune of folk capitalists in northwestern Arkansas, and the historical labor exploitation of "white trash" all reverberate through contemporary social relations in Yell County today, impacting the mechanisms by which "illegality" implodes onto migrants' everyday lives.

In this way, the universalizing conceits of neoliberal capitalism, with its acquisitive processes and neo-imperial practices, depends in the final analysis upon that tension between "a seductive but alienating possessive individualism on the one hand and the desire for a meaningful collective life on the other" (Harvey 2005). Rather than homogenizing lifeways, neoliberalism not only has the capacity to absorb

and incorporate diverse cultural forms, but often perpetuates its own structural and moral economies through the deployment of these forms. Through appropriation of recognizable cultural forms, the movement and expansion of neoliberal logics resonate with people on the ground and ease their transition into new forms of work and subjectivity compelled by neoliberal restructuring. Thus some of the tensions produced by restructuring are resolved through the emergence of locally meaningful moral economies that complement and reproduce the ordered disorder of the neoliberal state, satisfying subjects' desires for agency in the "meaningful collective life" while holding the socio-political contradictions of productive regimes in uneasy balance. This balance is uneasy because, as Gramsci recognized, a given sociohistorical moment is never homogeneous, but contains productive contradictions—the "complex, contradictory, and discordant ensemble of the superstructures" (Gramsci 1988: 192). It is this discord, the complexity of partial recognition, that gives hope for alliances across lines of racialized and legalized difference. The task of the social critic is not only to explain "what happened" but to provide an analytical angle which has the potential to move social life in the direction of change.

APPENDIX A

STATUTES REGARDING TEMPORARY PROTECTED STATUS

TITLE 8 > CHAPTER 12 > SUBCHAPTER II > Part V > § 1254a

§ 1254a. Temporary protected status

(a) Granting of status

(1) In general

In the case of an alien who is a national of a foreign state designated under subsection (b) of this section (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state) and who meets the requirements of subsection (c) of this section, the Attorney General, in accordance with this section—

(A) may grant the alien temporary protected status in the United States and shall not remove the alien from the United States during the period in which such status is in effect, and

(B) shall authorize the alien to engage in employment in the United States and provide the alien with an “employment authorized” endorsement or other appropriate work permit.

(2) Duration of work authorization

Work authorization provided under this section shall be effective throughout the period the alien is in temporary protected status under this section.

(3) Notice

(A) Upon the granting of temporary protected status under this section, the Attorney General shall provide the alien with information concerning such status under this section.

(B) If, at the time of initiation of a removal proceeding against an alien, the foreign state (of which the alien is a national) is designated under subsection (b) of this section, the Attorney General shall promptly notify the alien of the temporary protected status that may be available under this section.

(C) If, at the time of designation of a foreign state under subsection (b) of this section, an alien (who is a national of such state) is in a removal proceeding under this subchapter, the Attorney General shall promptly notify the alien of the temporary protected status that may be available under this section.

(D) Notices under this paragraph shall be provided in a form and language that the alien can understand.

(4) Temporary treatment for eligible aliens

(A) In the case of an alien who can establish a prima facie case of eligibility for benefits under paragraph (1), but for the fact that the period of registration under subsection (c)(1)(A)(iv) of this section has not begun, until the alien has had a reasonable opportunity to register

during the first 30 days of such period, the Attorney General shall provide for the benefits of paragraph (1).

(B) In the case of an alien who establishes a prima facie case of eligibility for benefits under paragraph (1), until a final determination with respect to the alien's eligibility for such benefits under paragraph (1) has been made, the alien shall be provided such benefits.

(5) Clarification

Nothing in this section shall be construed as authorizing the Attorney General to deny temporary protected status to an alien based on the alien's immigration status or to require any alien, as a condition of being granted such status, either to relinquish nonimmigrant or other status the alien may have or to execute any waiver of other rights under this chapter. The granting of temporary protected status under this section shall not be considered to be inconsistent with the granting of nonimmigrant status under this chapter.

(b) Designations

(1) In general

The Attorney General, after consultation with appropriate agencies of the Government, may designate any foreign state (or any part of such foreign state) under this subsection only if—

(A) the Attorney General finds that there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety;

(B) the Attorney General finds that—

(i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,

(ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and

(iii) the foreign state officially has requested designation under this subparagraph; or

(C) the Attorney General finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the Attorney General finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.

A designation of a foreign state (or part of such foreign state) under this paragraph shall not become effective unless notice of the designation (including a statement of the findings under this paragraph and the effective date of the designation) is published in the Federal Register. In such notice, the Attorney General shall also state an estimate of the number of nationals of the foreign state designated who are (or within the effective period of the

designation are likely to become) eligible for temporary protected status under this section and their immigration status in the United States.

(2) Effective period of designation for foreign states

The designation of a foreign state (or part of such foreign state) under paragraph (1) shall—

(A) take effect upon the date of publication of the designation under such paragraph, or such later date as the Attorney General may specify in the notice published under such paragraph, and

(B) shall remain in effect until the effective date of the termination of the designation under paragraph (3)(B).

For purposes of this section, the initial period of designation of a foreign state (or part thereof) under paragraph (1) is the period, specified by the Attorney General, of not less than 6 months and not more than 18 months.

(3) Periodic review, terminations, and extensions of designations

(A) Periodic review

At least 60 days before end of the initial period of designation, and any extended period of designation, of a foreign state (or part thereof) under this section the Attorney General, after consultation with appropriate agencies of the Government, shall review the conditions in the foreign state (or part of such foreign state) for which a designation is in effect under this subsection and shall determine whether the conditions for such designation under this subsection continue to be met. The Attorney General shall provide on a timely basis for the publication of notice of each such determination (including the basis for the determination, and, in the case of an affirmative determination, the period of extension of designation under subparagraph (C)) in the Federal Register.

(B) Termination of designation

If the Attorney General determines under subparagraph (A) that a foreign state (or part of such foreign state) no longer continues to meet the conditions for designation under paragraph (1), the Attorney General shall terminate the designation by publishing notice in the Federal Register of the determination under this subparagraph (including the basis for the determination). Such termination is effective in accordance with subsection (d)(3) of this section, but shall not be effective earlier than 60 days after the date the notice is published or, if later, the expiration of the most recent previous extension under subparagraph (C).

(C) Extension of designation

If the Attorney General does not determine under subparagraph (A) that a foreign state (or part of such foreign state) no longer meets the conditions for designation under paragraph (1), the period of designation of the foreign state is extended for an additional period of 6 months (or, in the discretion of the Attorney General, a period of 12 or 18 months).

(4) Information concerning protected status at time of designations

At the time of a designation of a foreign state under this subsection, the Attorney General shall make available information respecting the temporary protected status made available to aliens who are nationals of such designated foreign state.

(5) Review

(A) Designations

There is no judicial review of any determination of the Attorney General with respect to the designation, or termination or extension of a designation, of a foreign state under this subsection.

(B) Application to individuals

The Attorney General shall establish an administrative procedure for the review of the denial of benefits to aliens under this subsection. Such procedure shall not prevent an alien from asserting protection under this section in removal proceedings if the alien demonstrates that the alien is a national of a state designated under paragraph (1).

(c) Aliens eligible for temporary protected status

(1) In general

(A) Nationals of designated foreign states

Subject to paragraph (3), an alien, who is a national of a state designated under subsection (b)(1) of this section (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state), meets the requirements of this paragraph only if—

- (i) the alien has been continuously physically present in the United States since the effective date of the most recent designation of that state;
- (ii) the alien has continuously resided in the United States since such date as the Attorney General may designate;
- (iii) the alien is admissible as an immigrant, except as otherwise provided under paragraph (2)(A), and is not ineligible for temporary protected status under paragraph (2)(B); and
- (iv) to the extent and in a manner which the Attorney General establishes, the alien registers for the temporary protected status under this section during a registration period of not less than 180 days.

(B) Registration fee

The Attorney General may require payment of a reasonable fee as a condition of registering an alien under subparagraph (A)(iv) (including providing an alien with an “employment authorized” endorsement or other appropriate work permit under this section). The amount of any such fee shall not exceed \$50. In the case of aliens registered pursuant to a designation under this section made after July 17, 1991, the Attorney General may impose a separate, additional fee for providing an alien with documentation of work authorization. Notwithstanding

section 3302 of title 31, all fees collected under this subparagraph shall be credited to the appropriation to be used in carrying out this section.

(2) Eligibility standards

(A) Waiver of certain grounds for inadmissibility

In the determination of an alien's admissibility for purposes of subparagraph (A)(iii) of paragraph (1)—

(i) the provisions of paragraphs (5) and (7)(A) of section 1182

(a) of this title shall not apply;

(ii) except as provided in clause (iii), the Attorney General may waive any other provision of section 1182 (a) of this title in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest; but

(iii) the Attorney General may not waive—

(I) paragraphs (2)(A) and (2)(B) (relating to criminals) of such section,

(II) paragraph (2)(C) of such section (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marijuana, or

(III) paragraphs (3)(A), (3)(B), (3)(C), and (3)(E) of such section (relating to national security and participation in the Nazi persecutions or those who have engaged in genocide).

(B) Aliens ineligible

An alien shall not be eligible for temporary protected status under this section if the Attorney General finds that—

(i) the alien has been convicted of any felony or 2 or more misdemeanors committed in the United States, or

(ii) the alien is described in section 1158 (b)(2)(A) of this title.

(3) Withdrawal of temporary protected status

The Attorney General shall withdraw temporary protected status granted to an alien under this section if—

(A) the Attorney General finds that the alien was not in fact eligible for such status under this section,

(B) except as provided in paragraph (4) and permitted in subsection (f)(3) of this section, the alien has not remained continuously physically present in the United States from the date the alien first was granted temporary protected status under this section, or

(C) the alien fails, without good cause, to register with the Attorney General annually, at the end of each 12-month period after the granting of such status, in a form and manner specified by the Attorney General.

(4) Treatment of brief, casual, and innocent departures and certain other absences

(A) For purposes of paragraphs (1)(A)(i) and (3)(B), an alien shall not be considered to have failed to maintain continuous physical presence

in the United States by virtue of brief, casual, and innocent absences from the United States, without regard to whether such absences were authorized by the Attorney General.

(B) For purposes of paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous residence in the United States by reason of a brief, casual, and innocent absence described in subparagraph (A) or due merely to a brief temporary trip abroad required by emergency or extenuating circumstances outside the control of the alien.

(5) Construction

Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for temporary protected status under this section.

(6) Confidentiality of information

The Attorney General shall establish procedures to protect the confidentiality of information provided by aliens under this section.

(d) Documentation

(1) Initial issuance

Upon the granting of temporary protected status to an alien under this section, the Attorney General shall provide for the issuance of such temporary documentation and authorization as may be necessary to carry out the purposes of this section.

(2) Period of validity

Subject to paragraph (3), such documentation shall be valid during the initial period of designation of the foreign state (or part thereof) involved and any extension of such period. The Attorney General may stagger the periods of validity of the documentation and authorization in order to provide for an orderly renewal of such documentation and authorization and for an orderly transition (under paragraph (3)) upon the termination of a designation of a foreign state (or any part of such foreign state).

(3) Effective date of terminations

If the Attorney General terminates the designation of a foreign state (or part of such foreign state) under subsection (b)(3)(B) of this section, such termination shall only apply to documentation and authorization issued or renewed after the effective date of the publication of notice of the determination under that subsection (or, at the Attorney General's option, after such period after the effective date of the determination as the Attorney General determines to be appropriate in order to provide for an orderly transition).

(4) Detention of alien

An alien provided temporary protected status under this section shall not be detained by the Attorney General on the basis of the alien's immigration status in the United States.

(e) Relation of period of temporary protected status to cancellation of removal

With respect to an alien granted temporary protected status under this section, the period of such status shall not be counted as a period of physical presence in the

United States for purposes of section 1229b (a) of this title, unless the Attorney General determines that extreme hardship exists. Such period shall not cause a break in the continuity of residence of the period before and after such period for purposes of such section.

(f) Benefits and status during period of temporary protected status

During a period in which an alien is granted temporary protected status under this section—

- (1) the alien shall not be considered to be permanently residing in the United States under color of law;
- (2) the alien may be deemed ineligible for public assistance by a State (as defined in section 1101 (a)(36) of this title) or any political subdivision thereof which furnishes such assistance;
- (3) the alien may travel abroad with the prior consent of the Attorney General; and
- (4) for purposes of adjustment of status under section 1255 of this title and change of status under section 1258 of this title, the alien shall be considered as being in, and maintaining, lawful status as a nonimmigrant.

(g) Exclusive remedy

Except as otherwise specifically provided, this section shall constitute the exclusive authority of the Attorney General under law to permit aliens who are or may become otherwise deportable or have been paroled into the United States to remain in the United States temporarily because of their particular nationality or region of foreign state of nationality.

(h) Limitation on consideration in Senate of legislation adjusting status

(1) In general

Except as provided in paragraph (2), it shall not be in order in the Senate to consider any bill, resolution, or amendment that—

- (A) provides for adjustment to lawful temporary or permanent resident alien status for any alien receiving temporary protected status under this section, or
- (B) has the effect of amending this subsection or limiting the application of this subsection.

(2) Supermajority required

Paragraph (1) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate duly chosen and sworn shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(3) Rules

Paragraphs (1) and (2) are enacted—

- (A) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the matters described in paragraph (1) and supersede other rules of the Senate only to the extent that such paragraphs are inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner as in the case of any other rule of the Senate.

(i) Annual report and review

(1) Annual report

Not later than March 1 of each year (beginning with 1992), the Attorney General, after consultation with the appropriate agencies of the Government, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of this section during the previous year. Each report shall include—

(A) a listing of the foreign states or parts thereof designated under this section,

(B) the number of nationals of each such state who have been granted temporary protected status under this section and their immigration status before being granted such status, and

(C) an explanation of the reasons why foreign states or parts thereof were designated under subsection (b)(1) of this section and, with respect to foreign states or parts thereof previously designated, why the designation was terminated or extended under subsection (b)(3) of this section.

(2) Committee report

No later than 180 days after the date of receipt of such a report, the Committee on the Judiciary of each House of Congress shall report to its respective House such oversight findings and legislation as it deems appropriate.

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